

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.1226/2017

Sheikh Imtiyaz Sheikh Ahmed

..vs..

The State of Mah., Forest Department, thr. PSO Darati, Umerkhed, District Yavatmal

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Ms Sheetal Deshpande, Counsel for the applicant.

Shri N.B. Jawade, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 30, 2018.

1. Heard learned counsel Ms Sheetal Deshpande for the applicant and learned Additional Public Prosecutor Shri N.B. Jawade for the State.

2. The applicant is arrested in connection with crime vide FCR No.9/2019 and Crime No.105/2017 registered with The Forest Official at Kharbi, District Yavatmal and Police Station Darati, Umerkhed, District Yavatmal for the offences punishable under Sections 26(1)(a)(f), 66, 52(2), and 42(2) of the Forest Act, 1957 and under Sections 27, 29, and 31 of the Wildlife Protection Act and under Sections 504, 379, 333, 395, 353, 332, 143, 147, and 149 of the Indian Penal Code.

3. The application is primarily opposed on the ground that investigation is in progress and the charge-sheet is yet to be

filed.

4. The report was lodged by Vijay Karbhari Kaluse, a forest official. The incident is dated 5.11.2017.

5. According to the First Information Report (FIR), at the time of patrolling in the night, in the Forest Bit No.604, forest officials noticed some persons were illegally cutting Teak-Woods. Those persons were encircled by the forest officials and when the officials were in process to arrest them, some of them fled away from the spot. The applicant was caught on the spot itself.

6. The prosecution case is that when the applicant was arrested, other accused persons threw stones on the officials of the Forest Department. The instrument used for cutting Teak-Woods is already seized. Also, the weapon and logs are seized.

7. The applicant is in jail since 6.11.2017. The investigation, insofar as present applicant is concerned, is already over. Merely for failure of the investigating agency for not arresting the other accused persons, in my view, personal liberty of the applicant cannot further be curtailed in view of nature of accusations made against him in the FIR. That leads me to pass the following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant Sheikh Imtiyaz Sheikh Ahmed, be

released on bail on his executing a P.R. Bond in the sum of Rs.50,000/- with two solvent sureties of the like amount in connection with crime vide FCR No.9/2019 and Crime No.105/2017 registered with The Forest Official Kharbi, District Yavatmal and Police Station Darati, Umerkhed, District Yavatmal for the offences punishable under Sections 26(1)(a)(f), 66, 52(2), and 42(2) of the Forest Act, 1957 and under Sections 27, 29, and 31 of the Wildlife Protection Act and under Sections 504, 379, 333, 395, 353, 332, 143, 147, and 149 of the Indian Penal Code.

(c) The applicant is directed to attend the Office of the Range Forest Officials at Kharbi, District Yavatmal twice in a month i.e. on 1st and 3rd Saturdays of every month and shall be in the said Office from 2:00 p.m. to 5:00 p.m., till the charge-sheet is filed.

(d) After the charge-sheet is filed, the applicant shall attend the said Office once in a month i.e. on 3rd Saturday of every month in between 3:00 p.m. and 5:00 p.m., till culmination of the Trial.

(e) Needless to state that, the observations made

in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the case, shall not get influenced by the observations made in this order.

(f) With this, the criminal application is allowed and disposed of.

(g) In view disposal of the main application, criminal applications, if any, also stand disposed of.

JUDGE

!! BRW !!

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