

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2654 OF 2019

Bapu Manohar Magar	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Ranjeet B. Ade, Advocate for the Applicant.
Mr. S. H. Yadav, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th December, 2019

PC :

1. This is an application for anticipatory bail in connection with C.R. No. 130 of 2017 registered with Salgar Vasti Police Station, Solapur. The FIR was registered for offences punishable under Sections 41(1) (2)(d)(e), 26(f) of Indian Forest Act 1927 and Sections 3 and 4 of Maharashtra Felling of Trees (Regulation) Act 1964. Charge-sheet is filed against arrested accused for offences punishable under Sections 26(1)(c), 41 (1)(2)(d) & 42 of Indian Forest Act and Section 3 and 4 of Maharashtra Felling of Trees (Regulation) Act 1964.

2. The prosecution case is that on receipt of information that Sandal Wood is being transported from Kamti to Solapur, truck was intercepted On 13th June, 2017. Three persons were travelling in the truck including driver. They disclosed their names. On search it was

noticed that 19 plastic bags of Sandal Wood were stored in partition in cabin of truck. On interrogating the apprehended persons they disclosed that the Sandal Wood was stored near the canal situated at Kamti-Kandalgaon Road by applicant. The same was loaded on his instructions in the truck. It was also disclosed that the Sandal Wood was proposed to be taken to Kurunda, Tal. Vasmata, Dist. Hingoli for sale. They were not having the permission to cut the wood. The said persons were arrested. Subsequently, they are granted bail.

3. Learned advocate for the applicant submitted that except the statement of co-accused, there is no evidence against the applicant. Charge-sheet has been filed against arrested persons. The applicant is willing to co-operate with the investigation. His custody is not required. The co-accused were arrested and granted bail. Truck and Sandal Wood is seized. The applicant need not be subjected to custody.

4. Learned APP submitted that the offence is of serious nature. The applicant has been named in the FIR. He has played active role in the crime. The applicant is not available for interrogation since the date of registration of FIR. His custody is required as he was concerned with the transportation of Sandal Wood found in the truck intercepted by the Police.

5. The FIR mentions that the truck carrying Sandal Wood was intercepted. The Sandal Wood was hidden in the compartment installed in the cabin of the driver. The apprehended accused had stated that the applicant has sold the Sandal Wood which was loaded in the truck. The FIR was registered on 14th June, 2017. The applicant preferred several applications for anticipatory bail before the Sessions Court. The first application was rejected on 3rd August, 2017. Thereafter, another application was dismissed for want of prosecution. Subsequently, two other applications were preferred for anticipatory bail, which was rejected on 9th October, 2018 and 17th April, 2019. The investigation papers reveals that the applicant was evading arrest and he was not found at the place of his residence. The investigation reveals the complicity of the applicant in the crime. Hence, no case for grant of bail is made out.

ORDER

Anticipatory Bail Application No.2654 of 2019 is rejected and stands disposed of accordingly.

(PRAKASH D. NAIK, J.)