

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

CRIMINAL APPLICATION (BA) NO.1004/2019

Ajgarali s/o Tamijali

..VS..

State of Mah., thr. PSO PS Washim City, District Washim

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

Court's or Judge's Order

.....
Shri S.D.Chande, Counsel for the Applicant.

Shri M.J.Khan, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : NOVEMBER 15, 2019

1. In the morning session, after hearing learned counsel Shri S.D.Chande for the applicant, when the Court expressed its opinion that the Court is rejecting the application, learned counsel Shri S.D.Chande for the applicant submitted that the matter be kept in second half to enable him to take instructions from relatives of the applicant in respect of withdrawal of the application. Therefore, the matter was kept in second half.

2. In second half, when the matter is called out at 4:12 p.m., learned counsel Shri S.D.Chande for the applicant is absent. His associate Advocate Ms Priyanka Mane appears. She submits that the applicant is suffering from certain disease. However, no statement in respect of withdrawal is made.

3. In morning session itself, the Court could have decided the application.

4. The present application is for grant of regular

bail in connection with Crime No.479/2019 registered with Washim City Police Station, District Washim for offences punishable under Sections 409, 411, and 420 read with Section 34 of the Indian Penal Code.

5. Forest Officer Shri Bhosale, went to storeroom for measurement of seized sandalwood in connection with Crime No.605/1997. Criminal case is already registered in respect of the said sandalwood vide Criminal Case No.3781/1998. Sandalwood was weighing around 2189.275 kilograms worth Rs.7.00 lacs and it was kept in a storeroom of Forest Department. When Bhosale went for measurement, he noticed that the storeroom is locked and keys of the storeroom were not available and, therefore, he broke open the lock. Bhosale, found that entire sandalwood disappeared from the said storeroom. Therefore, the offence was registered and investigation started. During the course of investigation, role of the present applicant is revealed that he has purchased the said sandalwood from co-accused.

6. Looking to the fact that sandalwood, which is a rare commodity in the Vidarbha Region, is stolen and it is found in possession of the applicant and investigation is in progress, in my view, fullest opportunity has to be given to investigating agency.

7. In this view of the matter, no case is made out. The criminal application stands rejected and disposed of accordingly.

JUDGE

!! BRW !!

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