

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

CRIMINAL ANTICIPATORY BAIL APPLICATION (ST.) NO.580 OF 2021

1. Mrs. Afshin Yaseen Chikhlekar
2. Mrs. Zainab zhar Chikhlekar
3. Mrs. Reshma Rauf Chikhlekar
4. Mrs. Rozina Wd/o. Danish Patel

All residing at Village Rahur Post
Padgha, Taluka Bhiwandi,
Dist. Thane

... Applicants

Versus

The State of Maharashtra

... Respondent

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Mr. Mubin H. Solkar i/b Mr. Aamir Supariwala, Advocate for the Applicant.

Mrs. M. R. Tidke, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 15th JANUARY, 2021.

PER COURT:

1. This is an application for anticipatory bail in C.R. No. I-305 of 2020 registered with Padgha Police Station, Dist. Thane for offences under Sections 353, 341, 143, 147, 149, 188, 269, 270 of Indian Penal Code and Section 51(B) of Disaster Management Act, 2005, and Section 3 of the Epidemic Disease Act 1897, Section 11 of the Maharashtra COVID-19 Regulation Act, 2020 and Section 37(1) and 135 of Maharashtra Police Act, 1951.

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2. The case of the prosecution is that, on 28th November, 2020 the forest officer received calls from the assistant conservator of forest department. Secret information was received that huge quantity of Khair wood was stored by the accused Nos.1 to 3 at their farm house at Rahur, Thane. The officers formed the team for conducting raid. On 21st November, 2020 the team reached to the farm house of the accused about 3.30 a.m. When they reached at the said place two boys came out of the said bungalow. The raiding party then reached and asked the boys to call any elder member of family. One old person from the family came out of the house. One of the boy created hue and cry. The forest officers tried to enter into the bungalow. They were obstructed. The raiding party found wood cutting machine. When they were leaving the farm house along with the seized material, the applicant obstructed them and abused them. They closed the main gate and locked the same. The raiding team sought help of Padgha Police Station. The case relating to theft of Khair wood is registered by forest department. The present First Information Report registered against the applicant for obstructing the public servant from discharging their duty.

3. Learned counsel for the applicant submitted that the applicants are ladies. They have been falsely implicated in this case.

They are housewives and Pardasheen ladies. They were not concerned with the offence under the Forest Act. The only role which is attributed to them is they stood before the police vehicle of forest department and abused them. The C.C.T.V. footage of the camera installed at farm house discloses that the applicants were not present inside the bungalow and came subsequently in morning. The forest officer had come with huge team of more than 50 officers and forcibly entered into the bungalow and snatched the mobile phones of the two boys and assaulted them, who had recorded the video of the incident. The gate was opened and the officers were allowed to go.

4. Learned APP submitted that the husbands of applicant Nos.1 and 2 were involved in the offence under the Forest Act. When the team of forest official raided the premises, the applicants and the other accused obstructed them in discharging their duties. In 2018 Padgha Police Station, had attempted to arrest Yasin Chikhlekar, who is the husband of applicant No.1 for offence under Section 326 of Indian Penal Code and even as that time the family members had obstructed them from discharging their duty. Learned APP relied upon the station diary entry made by the concerned Police Station at the relevant time. The custodial interrogating of the applicant is

necessary to find out the whereabouts the main accused, who were involved in the crime under the Forest Act.

5. The applicants are ladies. The applicant Nos. 1 and 2 are the wives of the co-accused, who are allegedly involved in concealing Khair wood. The role attributed to the applicants is that allegedly they had stood in front of the vehicle and the gate was locked. It appears that the gate was subsequently opened and the raiding officers had left the premises. It also appears that the concealed wood was collected by the raiding officers and they were leaving the premises and at that time allegedly they were obstructed. The station diary entry of 2018 relied upon by learned APP, does not disclose the names of the applicants. Considering the nature of allegations against the applicants and also considering the fact that the applicants are ladies, custodial interrogation of the applicants is not necessary. However, they shall cooperate with the investigation. Hence, I pass following order.

ORDER

- (i) Anticipatory Bail Application (st.) No.580 of 2021 is allowed;
- (ii) In the event of arrest of the applicants in connection with in C.R. No. I-305 of 2020 registered with Padgha Police

Station, Thane, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;

(iii) The applicants shall attend the investigating officer as and when called for.

(iv) In the event the applicants are found in commission of similar offence in future, the prosecution is at liberty to move application for cancellation of bail.

(v) Anticipatory Bail Application stands disposed of accordingly.

6. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)