

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

CRIMINAL APPLICATION (APPP) No.1633 OF 2021
IN
CRIMINAL APPLICATION (ABA) No.614/2021

(Jivan Onkar Giri and another Vs. State of Maharashtra)

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

Court's or Judge's orders

Mr.R.J. Shinde, Advocate for the applicant - Smt. Mohini Mohan Giri.
Mr. A.Deshpande, Advocate for the applicants.
Mr. S.D.Sirpurkar, APP for the non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 08-10-2021

1. Heard.
2. In view of the reasons stated in the application, the application is allowed and disposed of.

Criminal Application (ABA) No.614/2021

1. Heard.
2. In anticipation of arrest in Crime No. 733/2021 registered with the Police Station Darwha, District Yavatmal, for the offences punishable under Sections 379, 504 and 506 read with 34 of the Indian Penal Code, the applicants are claiming for pre-arrest protection.
3. The applicants are seeking ad-interim protection.
4. It is the prosecution case that the applicants have

stolen teak wood trees from adjacent land of informant and therefore, report. The informant lady holds land bearing Block no.70 where there were several old teak trees. The informant stated that for considerable time, she never visited to her land, but on 1.7.2021 she came across that 100 teak trees were missing. On inquiry, she learnt from villagers that the applicants, who are adjoining land owners have cut all trees and committed theft thereof.

5. The learned counsel for the applicants would submit that the contents of FIR are totally false. It is submission that by obtaining necessary permission from the Forest Department, applicants have cut 200 trees sown at their own land. For said purpose, they have produced a copy of permission dated 24.8.2021 issued by the Forest Department. Apart from, the learned counsel would submit that the informant herself has cut 80 trees from her own land and for that purpose she obtained permission. The FIR is never discloses that the applicants have cut their own trees. Moreover, the police report is based on the information stated by the Villagers. The informant lady was residing at the distance of few kilometers from the land. Therefore, prima facie, it is difficult to accept that she was unaware that teak trees were cut. The process of cutting of 100 trees cannot be within few minutes.

6. Having regard to all these facts, the applicants

liberty can be protected. Hence, I pass following order:

- (i) Application stands allowed.
- (ii) Ad-interim order dated 17th September, 2021 is hereby made absolute upon same terms and condition.
- (iii) Applicants shall continue to attend concerned Police Station on every Sunday in between 12.00 a.m. to 02.00 p.m. till filing of charge-sheet or for the period 60 days whichever is earlier.

JUDGE

ambulkar