

**AARTI G
PALKAR**

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1775 OF 2022

1. Dnyaneshwar Hari Gavit	
2. Savaliram Tulshiram Gavit	
3. Kamlakar Sitaram Chavan	 Applicants
Versus	
The State of Maharashtra	 Respondent

Mr. Aniket U. Nikam a/w. Piyush Toshnival, Vivek Arote & Amit Icham for the Applicants.

Ms. P.N. Dabholkar, APP for the State/Respondent.

CORAM : N.J. JAMADAR, J.
DATE : 12th JULY, 2022

P.C. :

1. This is an application for bail u/s.439 of the Code of Criminal Procedure, 1973.

2. The applicants are arraigned in C.R. No.19 of 2022 registered with Surgana Police Station, Nashik, for the offences punishable u/s.353, 332, 333, 427, 504 and 506 r/w.34 of the Indian Penal Code, 1860 ("the Penal Code").

3. Ramji Kuvar (the first informant) who is posted as Forest Officer at Umarthan Forest Area, Kukadne Bit 2, has lodged a report with the allegations that on 09.05.2022 pursuant to an intimation that a tractor with Khair Timber was being unauthorisedly transported at Umbarthan, he and the other forest guards intercepted and stopped a tractor laden with forest

produce. Applicant Nos.1 to 3 i.e. Accused Nos.2 to 4 assaulted the first informant by means of sticks and stones. The applicants allegedly committed mischief by causing damage to the vehicle. The applicants committed criminal intimidation as well.

4. The applicants alleged that in respect of the very same offence, on 10.05.2022 Accused No.1 Lalji Topale lodged a report against the first informant and his associates. In fact, the first informant had assaulted Accused No.1 Lalji Topale by means of stick.

5. Learned counsel for the applicants invited the attention of the Court to the remand report which indicates that Applicant No.1 Lalji Topale sustained injuries. He was undergoing treatment. The Investigating Officer has not sought police custody of the applicants.

6. Learned APP, on instructions, submitted that the first informant has sustained a simple injury in the alleged occurrence.

7. It appears that two versions were reported about the same occurrence. The first informant has sustained simple injury.

8. In the backdrop of the aforesaid nature of accusation, especially in view of the fact that the witnesses happen to be the Forest Department Personnel, there is remote possibility of tampering with witnesses. The applicants appear to have permanent place of abode. Thus, I am persuaded to exercise the discretion in favour of the applicants.

9. Hence, the following order:

ORDER

- (i) The application stand allowed.
- (ii) The applicants be released on bail in C.R. No.19 of 2022 registered with Surgana Police Station, Nashik, on executing a PR Bond in the sum of Rs.15,000/- each and one or two sureties in the like amount, to the satisfaction of learned Sessions Judge.
- (iii) The applicants shall cooperate with the investigation and attend Surgana Police Station, Nashik on every alternate Sunday in between 10.00 am. to 1.00 pm. for a period of two months or till filing of the charge-sheet whichever is earlier.
- (iv) The applicants shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

(N.J. JAMADAR, J.)