

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Anticipatory Bail Application No. 862 of 2021

Praful Rupchand Barsagade

Versus

The State of Maharashtra, Through Vanparikshetra Adhikari (Pradeshi)
Forest Range Palasgaon, Taluka Chimur, Dist. Chandrapur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mrs. G. Venkatraman, Advocate for the applicant.
Ms. T.H.Udeshi, APP for the non-applicant.

**CORAM : ANIL S. KILOR, J.
DATED : 7th MARCH, 2022.**

The applicant is seeking grant of pre-arrest bail in report POR No. 09622/240530 dated 6th November, 2021 for the offence punishable under Sections 26(1)(f) and 42 of the Indian Forest Act, 1927 registered with Vanparikshetra Adhikari (Pradeshik) Forest Range Palasgaon, Taluka Chimur, Dist. Chandrapur.

2. It is the case of the prosecution that on 5th November, 2021, a secret information received by the non-applicant, the non-applicant reached on Palasgaon-

Chimur road and tried to stop the vehicle for checking, however, the present applicant and his father did not stop the same but from a distance they turned the vehicle and went back to Piparda village. Thereupon, the non-applicant went to Piparda village to seize the vehicle, but the present applicant and his father resisted the non-applicant and his staff and gave filthy abuses and tried to attack him along with some of his close aids and he thereby created hurdles in performing the official duty by the non-applicant. Accordingly, the report was lodged and thereupon non-cognizable offence was registered against the present applicant.

3. Mrs. Venkatraman, learned counsel for the applicant submits that this Court vide order dated 16th December, 2021 granting ad-interim protection to the applicant and he was directed to attend the concern Investigating Officer on every Sunday in between 11 a.m. to 2 p.m. Accordingly, he attended the Investigating Officer and co-operated in the investigation. It is submitted that there is no complaint of misuse of liberty by the applicant.

4. It is further submitted that the seizure has already been made and nothing is remained to seize or recover from the applicant. Thus, according to the

learned counsel for the applicant, the custody of the applicant is not necessary.

5. Ms. Udeshi, learned Additional Public Prosecutor fairly states that the applicant has attended the Investigating Officer. However, she opposes the present application and submits that if the present applicant enlarge on bail, there is possibility that he would commit the same offence again. It is pointed out that there is also one similar case registered against the father of the applicant.

6. After considering the record and the allegations made against the applicant, I am of opinion that as the applicant was granted ad-interim protection and he has attended the Investigating Officer as per the directions of this Court, moreover, as the goods involved in the present offence are also seized by the Forest Officer, the custody of the applicant is not necessary.

7. Accordingly, the application is allowed.

8. Order dated 16th December, 2021 is confirmed with a modification that the applicant shall attend the Investigating Officer as and when his presence is required.

9. It is further made clear that in case, the applicant repeats the similar offence under the Forest Act, the non-applicant is at liberty to apply for cancellation of bail.

[ANIL S. KILOR, J.]

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