

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

ANTICIPATORY BAIL APPLICATION NO. 680 OF 2024

Kailash Dnyanoba Kare

..Applicant

Versus

The State of Maharashtra

..Respondent

Ms. Tanvii Tapkire for Applicant.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 11 MARCH 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.61 of 2024 registered at Jat Police Station, Sangli, on 29.01.2024, under sections 143, 147, 332, 341, 353, 504 and 506 of the Indian Penal Code.

2. Heard Ms. Tanvii Tapkire, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The F.I.R. is lodged by the Forest Officer Dnyaneshwar Jadhav. He had duty at Muchandi bit. He was accompanied by one Sagar Gosavi; who was also a forest guard. There were three to

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four other colleagues who are named in the F.I.R. All of them were on the duty to keep watch on the forest area.

4. On 28.01.2024, at about 10.30p.m. they saw one tractor with a trolley in the forest area. There was soil in the trolley. The driver told the informant and others that the present applicant had sent that trolley to put soil in the forest area. The informant and the others prevented him from doing so. They seized the tractor and the trolley. They were taking it to their office. At that time, the applicant came there and questioned the informant and others regarding their action. He called five others. They stopped the tractor and started abusing. It is alleged that the applicant pulled and pushed the informant. The informant's colleagues intervened. The applicant then took away the tractor without the informant's permission. On this basis the F.I.R. is lodged.

5. Learned counsel for the applicant submitted that the incident has occurred out of some misunderstanding. There was a pond in that area and the officials had permitted the agriculturists

to take away soil from that pond to use it in their agricultural land. It was fertile soil and, therefore, the agriculturist were taking it away. In the present case also, soil was to be spread in the applicant's agriculture field. However, there were no boundaries between the forest land and the agriculture field and, therefore, by some mistake the tractor entered the forest area. The tractor driver was not committing any offence as spreading of fertile soil in the forest area is not an offence. She further submitted that the applicant came at the spot only to explain this fact to the informant and others. At that time, there was some petty incident; because of which the informant got angry and lodged this F.I.R. There is exaggerated narration in the F.I.R. There is delay in lodging the F.I.R. The incident had occurred in the night and the F.I.R. is lodged at 4.16p.m. on the next date. She submitted that the applicant's custody will not serve any purpose.

6. Learned APP produced the investigation papers before me. They contain the statements of colleagues of the informant namely Dilip Jadhav, Devrao Vanole, Mahadevrao Musale, Shrikant Malme and Ranu Malme. All of them have narrated the incident

in the same manner as is described in the F.I.R.

7. I have considered these submissions. From the record it appears that it was a petty incident. There is substance in the submission of learned counsel for the applicant that the tractor had entered the forest land by mistake for spreading soil. In fact, soil was meant to be spread in the agriculture land of the present applicant. There is nothing to show that the applicant committed the offence with a purpose to assault the informant. Undoubtedly, he has taken away the tractor. But, basically, spreading of the soil in the forest land by mistake shows that there was some misunderstanding. It is also difficult to believe that the applicant could take away the tractor in presence of the informant and his four to five colleagues. The offence is not very serious. The informant and others have not suffered any injuries. Therefore, the investigation can continue and ultimately, the applicant shall face the consequences of his actions. However, his custodial interrogation in the facts of this case will not serve any purpose.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.61 of 2024 registered at Jat Police Station, Sangli, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)