

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1778 OF 2024**

Kumar Pritamdas Gera	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Aabad Ponda, Senior Advocate, a/w. Mr. Chandansingh Shekhawant, Mr. Yashovardhan Deshmukh and Mr. Janay Jain, i/b. Parinam Law Associates for applicant.

Mr. Mayur S. Sonavane, APP for respondent-State.

Mr. V. U. Patil, PSI, Police Station Bhosari, District Pimpri-Chinchwad.

**CORAM : MANISH PITALE, J.
DATE : 02nd JULY, 2024**

P.C. :

. Heard learned senior counsel appearing for the applicant and the learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0356 of 2024 dated 31.05.2024 registered at Police Station Bhosari, District Pimpri-Chinchwad for offences under Sections 3(1) and 4 of the Maharashtra Felling of Trees (Regulation) Act, 1964 and Section 21(1) of the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975.

PRIYA
KAMBLI
Digitally
Signed
Date: 02.07.2024
10:29:18
+05'30'

3. The Sessions Court rejected the application for anticipatory bail of the applicant by order dated 27.06.2024 and therefore, the applicant, who is stated to be about 78 years old, has rushed to this Court. He is the Chairman of a construction company and the allegations pertain to certain actions undertaken by a contractor engaged by the company of the applicant for certain development work.

4. Having perused the material on record, this Court finds that the following *prima facie* conclusions can be reached:

- (a) Offences under the Maharashtra Felling of Trees (Regulation) Act, 1964, are bailable offences;
- (b) in the first instance, offences only under the Maharashtra Felling of Trees (Regulation) Act, 1964 and the Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975, were registered against the applicant. Subsequently, offence under Section 3 of the Prevention of Damage to Public Property Act, 1984 was added, which is a non-bailable offence and it pertains to causing mischief;
- (c) it is not even alleged against the applicant that he undertook the actions, which led to registration of the offences. It is the contractor engaged by the applicant's company, who is alleged to have undertaken the said actions;
- (d) it is further brought to the notice of this Court that the concerned authority of the Municipal Corporation sent a demand of about Rs.1.74 crores to the applicant's company towards damages allegedly caused by the applicant and other co-accused persons. The applicant immediately forwarded a demand draft for the said amount. But, this Court is informed that the said demand draft has been returned and it is indicated that the applicant would be informed about further amount towards damages.

5. The aforesaid *prima facie* conclusions reached by this Court on the basis of the material placed on record, do show that no case is made out for custodial interrogation of the applicant and in any case, the applicant himself has come forward to make good the damages that may have been caused to public property.

6. The Sessions Court ought to have appreciated the material on record in the correct perspective rather than commenting about global warming and necessity to preserve trees. No doubt, the proceedings may indicate ingredients of offences in question for which consequences will follow as per law. But, a clear case is made out for allowing the application, as the applicant is not a flight risk.

7. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0356 of 2024 dated 31.05.2024 registered at Police Station Bhosari, District Pimpri-Chinchwad, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- (Rupees Twenty-five Thousand only) and one or two sureties in the like amount to the satisfaction of the trial Court;
- (ii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (iii) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9. Needless to say, the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

10. The application stands disposed of.

(MANISH PITALE, J)