

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

Anticipatory Bail Application No.2807 of 2024

Sahil Naeem Chikhlekar

Age 33 years, Occupation: Business

Residing at:- Village Borivali,

Post Padgha, Taluka-Bhiwandi,

Dist-Thane

... Applicant

v/s.

The State of Maharashtra

Padgha Police Station,

Bhiwandi-Thane

... Respondent.

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Ms Tahera Qureshi, for the Applicant.

Mr Swapnil S Pednekar, APP, for Respondent State.

Senior PI Bala Kumbhar, Padgha Police Station, is present.

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Coram : R.N. Laddha, J.

Date : 15 October 2024

P.C. :

1. Heard Ms Tahera Qureshi, the learned Counsel appearing on behalf of the applicant and Mr Swapnil Pednekar, the learned Additional Public Prosecutor representing respondent/State.

2. By this application, the applicant seeks pre-arrest bail, in

connection with CR No. 180 of 2024 registered with Padagha police station, Thane Rural, for he offences punishable under Sections 379 read with 34 of the Indian Penal Code and Section 41-B of the Indian Forest Act, 1927.

3. It is the case of the prosecution that on 18 May 2024, while on patrol, the complainant, who was attached to Padagha police station, along with other police personnel, stopped a tempo pick-up vehicle bearing the registration No.MH-04 LE 2878. The vehicle was found to be carrying unsapped teak wood weighing approximately 3850 kg., valued at Rs.2,69,500/-. The driver did not possess a permit or license to transport the wooden logs. Consequently, the police seized the vehicle and the wooden logs. During the investigation, it was revealed that the seized wooden logs were being transported under the direction of the applicant.

4. The learned Counsel for the applicant contends that the applicant has been falsely implicated in this case. The applicant neither owns the vehicle in question nor has any association with the alleged teak-wood. The only material against the applicant is the purported statement of the co-accused, which is

not admissible. The vehicle and the wood logs have already been recovered, and the co-accused, from whom these items were seized, have been granted bail by the learned Magistrate. The investigation has been concluded and the charge sheet has been filed. The applicant is permanent resident of village Borivali, Taluka-Padagha.

5. The learned APP submits that the offence is serious, however, he acknowledges that the investigation has been concluded and the charge sheet has been filed. The tempo and the wooden logs have already been seized.

6. Upon perusing the records, it appears that the investigation has been concluded and the charge sheet has been filed. The articles and the vehicle have already been seized. The co-accused, who were allegedly found in possession of seized items, have been released on bail. The prosecution's concern that they may tamper with the evidence or influence the witnesses can be addressed by imposing suitable conditions. Given these circumstances, there appears no necessity for the applicant's custodial interrogation. Hence, the following order :

Order

(i) In the event of applicant's arrest, in connection with CR No.180 of 2024 registered at Padagha Police Station, Thane Rural, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required and cooperate with the investigation and shall not tamper with the evidence or influence the witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]