



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

CRIMINAL APPLICATION (BA) NO. 67 OF 2024

Rajveer @ Raja Ranglal Pawar V/s State of Maharashtra

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

Court's or Judge's Order

Mr. Saurabh Singha, counsel for the applicant.

Mrs. Sneha Dhote, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27/02/2024.

1. The present application is preferred by the applicant for seeking regular bail, in connection with Crime No. 328/2021 registered with Sadar Police Station, District Nagpur for the offences punishable under Sections 379, 411, 413 read with Section 34 of the Indian Penal Code, 1860 and Sections 8, 21(1) of the Maharashtra (Urban Area) Protection and Preservation of the Trees Act, 1975. The applicant came to be arrested on 26/08/2021.

2. The allegation against the present applicant is on the basis of report lodged by the Head Gardener posted in the High Court that, two Chandan Trees worth of Rs. 15,000/- have been chopped off and had been stolen by an unknown person between the intervening night of 24/07/2021 to 25/07/2021. After receipt of the information, the complainant had been to the spot of incident and noticed to the committal of theft, and lodged the report against the unknown person.

During the investigation, the involvement of the present applicant is revealed, and thereafter, he is arrested.

3. Learned counsel for the applicant submitted that as far as the present applicant is concerned, there is no material to connect him with the alleged offence. Nothing is seized from him. Now, the investigation is completed. The applicant is behind bars since the date of his arrest i.e. more than two and half years. The maximum punishment provided for the alleged offence of imprisonment is of three years. Thus, in more than half of the punishment, the applicant is behind bar. Considering the same, he be released on bail.

4. Learned APP strongly opposed the said application on the ground that during the investigation, it revealed that the present applicant and other co-accused had committed the theft of a Chandan Tree by cutting the same and sold it to the other co-accused and the consideration amount was distributed between them. She further submitted that in all 27 offences are registered against the present applicant. Thus, considering the criminal antecedents, the application deserves to be rejected.

5. Having heard learned counsel for the applicant learned APP for the state, perused the investigation papers. As far as the present applicant is concerned, his involvement appears to be on the basis of the statement of the co-accused. Admittedly, the stolen property is not recovered from the present applicant, and as per the statement of the co-accused,

the stolen property was sold out and the consideration amount was distributed amongst themselves. None of the amount is recovered from the present applicant, though 27 offences are registered against the present applicant that itself is not sufficient to put the present applicant behind bars for an indefinite period. The applicant has already undergone two and half years i.e. more than half of the punishment provided for the offence punishable under Section 379 of the Indian Penal Code. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a) The criminal application is allowed.
- b) The applicant -**Rajveer @ Raja s/o Ranglal Pawar**, is released on bail, in connection with Crime No.328/2021 registered with Sadar Police Station, District Nagpur for the offences punishable under Sections 379, 411, 413 read with Section 34 of the Indian Penal Code, 1860 and Sections 8, 21(1) of the Maharashtra (Urban Area) Protection and Preservation of the Trees Act, 1975, on executing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 01.00 p.m, till culmination of the trial.

- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]