



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

955 ANTICIPATORY BAIL APPLICATION NO. 1847 OF 2024

1. Ahmed Abdul Qadar,
2. Ibrahim Abdul Rehman,
3. Tk Abdul Raheman Qadar

VERSUS

1. The State Of Maharashtra,
2. The Superintendent of Police, Nandurbar.

...
Advocate for Applicant : Mr. Jain Gajendra Devichand
APP for Respondents-State: Mr. N. B. Patil
...

CORAM : ARUN R. PEDNEKER, J.

Dated : February 12, 2025.

PER COURT :-

1. Heard learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants are apprehending arrest in connection with FIR No.0478/2022, dated 16/09/2022, registered at Navapur Police Station, District Nandurbar, for the offences punishable under sections 379, 411, 34 of the Indian Penal Code, and under Section 41 (1), (2), 42 (1), (2), 52 (1), (2) of Forest Act.
3. This Court, by order dated 29/10/2024, granted interim protection to the applicants, considering the submissions in paragraphs 3, 4, and 5, which read as under : -

"3. Applicants are apprehending their arrest in furtherance of

offence bearing CR. No.478/2022 dated 16.09.2022 registered with Navapur police station Dist. Nandurbar for the offences punishable U/Sec. 379, 411 r/w Sec. 34 of the I.P.Code and Sec. 41(1), (2), 42(1), (2), 52(1), (2) of the Forest Act, 1927. The offence is in respect of theft of sandle wood tree. Applicants are not shown to be accused in the first information report. During the course of investigation the role of the applicants was transpired. Charge sheet is also filed on 27.02.2023. The accused are the proprietors of factory which is run at Gawadi village, Tq. Niwani, Dist. Badwani (State of Madhya Pradesh).

4. Learned counsel for the applicants submits that there are no direct allegations against his clients. Charge sheet is already filed. It is desirable to protect the liberty of the applicants. Learned A.P.P. strongly opposes the submissions of the applicants. It is submitted that applicants are part of huge gang. It is a state racket, indulging in the sandle wood theft and cutting of the trees. Custodial interrogation is imperative. They are not even cooperating with the prosecution in the investigation.

5. Considering the allegations against the applicants, I am inclined to grant them interim protection on certain conditions."

4. The learned Counsel for the applicant submits that the applicant's involvement in the present matter is solely based on the statement given by the co-accused. The learned Counsel has produced certain certificates, specifically at pages 318, 319, and 321, demonstrating that the applicant obtained permission from the Madhya Pradesh State Biodiversity Board and paid Rs.57,000/- towards one of the Challan fees for 4,000 kgs of sandalwood. He further submits that the applicant holds valid permits and has duly paid the license fees for possessing of

sandalwood, along with other types of wood in different quantities.

5. It is contended that the applicant is engaged in the business of wood trading and has committed no illegality. Furthermore, there is no other material on record connecting the applicant to the co-accused. The learned Counsel for the applicants also submits that there are no antecedents against them.

6. The learned APP states that sandalwood was indeed found in the possession of the applicant, however, it is not established that the said sandalwood is the same as that received from the co-accused, particularly since the applicant holds a valid license for processing sandalwood.

7. Considering that this Court has already granted interim protection to the applicants, the absence of any antecedents against them, and the lack of any material connecting the applicants with the co-accused, whether in terms of monetary transactions or mobile communications, and that it is evident that the applicants possess a valid license for processing sandalwood, the interim protection granted to the applicants by order dated 29/10/2024 is confirmed.

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

i] In the event the applicants are arrested in connection with FIR No.0478/2022, dated 16/09/2022, registered at Navapur Police Station, District Nandurbar, for the offences punishable under sections 379, 411, 34 of the Indian Penal Code, and under Section 41 (1), (2), 42 (1), (2), 52 (1), (2) of Forest Act, they shall be released on bail on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

ii] The applicants shall attend the police station as and when called by the police.

iii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iv] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

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

10. It is also clarified that 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.

11. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.