

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLICATION NO. 822 OF 2024

Hisamuddin @ Isamuddin Imran
Chikhalekar and Anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. G.T. Kanchanpurkar, for the Applicants.
Mr. Kiran Shinde, APP, for the Respondent- State.
Mr. Umesh A. Rothe, PSI, Padgha Police Station.

CORAM : ADVAIT M. SETHNA, J.
DATE : 6 OCTOBER 2025

P.C.:

1. The two Applicants before this Court have filed this Anticipatory Bail Application as they apprehend arrest in C.R. No.97 of 2024. FIR is registered by Padgha Police Station, District Thane for alleged offences punishable under Sections 353, 332, 379, 504, 506 r/w 34 of the Indian Penal Code and Sections 41 and 52 of the Indian Forest Act, 1927.
2. Briefly, the case of the prosecution as stated the FIR is that on 21 February 2024, at about 14:15 hours, at Mouje Mohandud, Katkari Pada, Post Pachapur, Tal. Bhiwandi, Dist. Thane, Police staff of Padgha Police Station found 3.6 tons of teakwood in a Bolero Pick-up Van and Eicher Tempo. That time applicants/accused were present in those vehicles. On enquiry, Applicants/accused and co-accused engaged in a verbal altercation with the police staff. They pushed police and thereby prevented them from discharging their public duties. In such circumstances, on the basis of the complaint of the

Informant who is a police officer with Padgha Police Station, the said FIR was registered.

3. Heard the learned counsel for the parties and with their assistance, I have perused the record.

4. At the very outset, the parties have drawn attention of this Court to order dated 26 March 2024. Upon hearing the parties and recording reasons in the said order, the Court was pleased to grant protection to the Applicants vide said order. Certain terms and conditions have also been imposed in the said order. Such protection has been continued until date by further orders, which the learned APP would not dispute. Mr. Kanchanpurkar, learned counsel for the Applicant, at the outset, would submit that the Applicant has fully complied with the terms and conditions set out in the order dated 26 March 2024 and has strictly abided by the said order. He would thus submit that there is no necessity of custody of the applicant at this stage and he ought to be granted anticipatory bail.

5. Mr. Shinde, on instructions, would submit that the perusal of the order dated 26 March 2024 indicates that the Applicant has in fact co-operated with the investigation and has attended the concerned Police Station on the dates which have been categorically set out in the order dated 26 March 2024. It can thus be inferred that he has joined the investigation. There is nothing adverse reported against the Applicant by the prosecution. His presence can be secured at the time of trial.

6. As far as the merits of the matter is concerned, Mr. Shinde on

instructions would submit that the offending truck which was carrying teakwood illegally or intercepted and was ceased from the spot as noted in the FIR on 21 February 2024. However, he would submit that there is another offending Eicher Tempo which was also alleged to be used by the Applicants using which they fled away from the spot. This is yet to be recovered. Mr. Kanchanpurkar, on the other hand would submit that the FIR would make it clear that the offending vehicles which were found on the spot have been duly seized and recovered and there is no further recovery to be effected.

7. Considering the submission of Mr. Shinde that some further recovery is to be effected that alone cannot be a ground to warrant custodial interrogation of the Applicant in the given facts. Needless to mention that there is no impediment on the investigating agency to continue its investigation in the form and manner that it finds fit and proper, within the legal framework. The Applicant has also undertaken to co-operate with the investigation as noted above.

8. At this juncture, Mr. Shinde would state that the prosecution is in the process of filing charge sheet and the same would be filed in any event within a period of six weeks from today.

9. In the given facts and circumstances, there is no aggravating factor against the Applicants which would justify their detention in the given factual complexion. Thus, in my view, custodial interrogation of the Applicants would not be warranted at this stage. The Applicants have, in the given facts made out a *prima facie* case for the grant of anticipatory bail. The following order would

meet the ends of justice:-

ORDER

- (i) Interim order dated 26 March 2024 passed by this Court is hereby confirmed.
- (ii) In the event of arrest of the Applicants, in connection with C.R. No.97 of 2024 registered with Padgha Police Station, District Thane are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or more sureties in the like amount.
- (iii) The Applicants shall co-operate with the investigation and shall attend the concerned police station on every second and fourth Saturday at 11.30 am until filing of the charge-sheet.
- (iv) The Applicants shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately intimated to the concerned police station.
- (v) The Applicants shall obtain order of competent Court before leaving State of Maharashtra.
- (vi) The Applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted

with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the police officer.

- (vii) The Applicants shall not tamper with the prosecution evidence and shall not contact or influence the complainant or any witness in any manner whatsoever.

10. Needless to mention that the observations made above are *prima facie* for the purposes of adjudicating this Application.

11. The Anticipatory Bail Application is **Allowed/Disposed Of** in the above terms.

[ADVAIT M. SETHNA, J.]