

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

Anticipatory Bail Application No.1929 of 2025

Lahu Somnath Dhule

Age- 36 years, Occ-Farmer

R/a. Behind School, Jadhav Wadi,

Village Bori, Tq- Junnar, Dist.-Pune

... Applicant

versus

1. Range Forest Officer,
Forest Department Otur,
Tq- Junnar, Dist-Pune

2. The State of Maharashtra
Through Chief Public Prosecutor
High Court, Bombay, A.S.

... Respondents

Mr Mateen Shaikh a/w. Mr Milind Patode, Ms Muskan Shaikh
and Mr Umair Ahmad, for the applicant.

Mr Shahaji Shinde, "B" Panel Counsel, a/w. Mr Anand
Shalgaonkar, APP, for the respondents/ State.

Lahu Vitthal Thokal, Forest Range Officer, Otur, is present.

Coram: R.N. Laddha, J.

Date: 15 July 2025.

P.C.:

Heard the learned Counsel for the parties.

2. The applicant apprehends arrest in connection with CR

No.3 of 2025, registered with the Range Forest Officer Department, Otur, for offences punishable under Sections 41(2b), 42 and 69 of the Indian Forest Act, 1927, and Rules 31, 32, 53 and 82 of the Maharashtra Forest Rules, 2014.

3. According to the prosecution, on 6 May 2025, acting upon confidential intelligence, the Forest Range Officer, accompanied by other official from the forest department, conducted an operation at Buwa Saheb Nagar, located near Jadhavwadi, Post Bori Budruk, Taluka Junnar, District Pune. During this operation, they observed a vehicle parked in close proximity to the residence of the applicant. The applicant was found seated inside the said vehicle. Upon being approached and requested to step out for questioning, the applicant resisted by forcibly pulling away his hand and subsequently fled the scene. A preliminary inspection of the vehicle revealed the presence of four gunny sacks placed on the seat behind the driver and another four sacks located in the trunk. These sacks were examined in the presence of independent witnesses, and it was found that they contained roughly cut pieces of sandalwood in various sizes. Following this discovery, a spot panchanama and seizure memorandum were duly prepared in presence of those witnesses.

4. The learned Counsel appearing on behalf of the applicant asserts the applicant's innocence and contends that the applicant has been falsely implicated in the present case. He submits that the recovery proceedings have already been completed, and the purported sandalwood has been duly seized by the investigating agency. As such, there remains no further requirement for custodial interrogation of the applicant. Furthermore, the applicant is ready and willing to cooperate with the investigation.

5. The learned Additional Public Prosecutor representing the respondents, opposes the applicant's plea for pre-arrest bail, contending that the applicant was apprehended while he was found seated inside the vehicle containing eight large gunny bags filled with pieces of sandalwood. This, according to the prosecution, clearly indicates the applicant's active involvement in the illegal trade of sandalwood. Further, the learned APP submits that the custodial interrogation of the applicant is crucial for ongoing investigation. It is necessary to recover the tools and implements used in the felling and extraction of the protected trees, to trace and dismantle the broader supply network, and to identify and apprehend other individuals who may be complicit in the offence. Furthermore, the learned APP argues that if the applicant is granted pre-arrest bail, he may

tamper with evidence or influence witnesses. Such interference, it is argued, could severely hamper the investigation, which is still at a nascent and sensitive stage.

6. This Court has given anxious consideration to the rival contentions and perused the records.

7. It is a settled position in law that the power to grant anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must avoid a one-size-fits-all approach, as granting pre-arrest bail in serious cases may affect the investigation. All these aspects are highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay v. State of Bihar, 2024 SCC OnLine SC 282*.

8. Upon perusing the records, it transpires that on 6 May 2025, a Forest Range Officer, acting on a tip-off, intercepted the applicant who was found inside a vehicle suspiciously parked near his residence. When approached for inquiry, the applicant displayed resistance and abruptly fled the scene, evading further questioning. A subsequent search of the vehicle, conducted in the presence of the independent witnesses, led to the discovery of eight sacks containing contraband sandalwood

pieces. *Prima facie*, the material on record does not suggest that the applicant possessed any valid license or official authorisation for the procurement, possession, or transportation of the seized sandalwood. The illegal trade in the sandalwood is frequently linked to larger networks of organised crime igniting conflicts over valuable natural resources and undermining regulatory efforts and vital conservation initiatives aimed at safeguarding endangered species. Moreover, it is necessary to uncover the broader criminal nexus involved in the illegal harvesting, trafficking, and commercialisation of protected forest produce. The applicant's custody would be necessary not only to recover the tools used in the extraction of the sandalwood but also to unravel the clandestine operations and identify the individuals involved in the crime. Given the gravity of the circumstances and the nascent stage of the investigation, releasing the applicant at this stage would pose a significant risk to the integrity of an effective investigation.

9. In view of the foregoing circumstances, this Court is not inclined to exercise its discretion in favour of the applicant. Accordingly, the anticipatory bail application stands rejected.

[R.N. Laddha, J.]