



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1598 OF 2025

Shivaji Nyandeo Vitkar
VERSUS
The State Of Maharashtra

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- Mr. G. R. Syed, Advocate for Applicant
- Mr. AAA Khan, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 05.01.2026

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 0135 of 2025 dated 25.04.2025, registered with Patoda Police Station, District Beed, for the offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023; Sections 41 and 42 of the Indian Forest Act, 1927; and Sections 3 and 4 of the Maharashtra Felling of Trees (Regulation) Act, 1964.
3. This Court, vide order dated 10.09.2025, protected the applicant by granting ad-interim bail. Learned counsel for the applicant submits that the applicant has remained available for

investigation and has attended the Investigating Officer as and when called. It is further submitted that except for bare allegations that the articles found at the spot from the eight arrested accused persons were meant to be sold to the present applicant, no material has been collected by the prosecution to implicate the applicant. It is also submitted that the applicant has no criminal antecedents and is ready to abide by any conditions that may be imposed by this Court and, therefore, deserves protection.

4. As against this, learned APP opposes the present application contending that although the applicant has attended the Investigating Officer as and when called, he has failed to cooperate with the investigation and has not disclosed details regarding the proposed sale of sandalwood, which he was allegedly planning to execute after receiving the stolen property from the arrested accused persons. It is further submitted that custodial interrogation of the applicant is necessary. If the applicant is released, the applicant may again commit offences of like nature. Hence, the application deserves to be rejected.

5. I have gone through the investigation papers made available by the learned APP. Perusal of the said papers reveals that eight accused persons named in the FIR have already been arrested and the sandalwood weighing approximately 56 kg, valued at about

₹2,80,000/-, was seized at the spot itself. Except for the bare statements of the arrested accused persons alleging that the stolen goods were to be delivered to the present applicant, there is no material on record, such as call detail records or other corroborative evidence, to indicate the involvement of the applicant at this stage. There are no criminal antecedents brought on record by the prosecution. The apprehensions of the learned APP can be taken care of by imposing stringent conditions. Hence, I am inclined to protect the present applicant.

6. Accordingly, the following order is passed :-

ORDER

- A) The Anticipatory Bail Application is allowed.
- B) The interim order dated 10.09.2025 is hereby confirmed, with an additional condition that the applicant shall attend the concerned police station and report to the Investigating Officer on every Monday between 12:00 noon and 02:00 p.m. till framing of charge by the learned Trial Court.
- C) The Applicant shall also cooperate with the investigation.
- D) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

E) The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.

7. Needless to say, violation of any of the aforesaid conditions shall entitle the prosecution to seek cancellation of the anticipatory bail.

8. The observations made herein are prima facie in nature and shall not influence the Trial Court or any other Court while deciding the case on its own merits.

9. In view of the above, the application stands disposed of.

10. Pending applications, if any, also stand disposed of.

(MEHROZ K. PATHAN, J.)