Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2849 OF 2024

ARJUN VITTHAL KUDHEKAR
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Date: 2026.01.08 20:35:15 +0530

Bharat Ramesh Bhoye …Applicant

Versus

The State of Maharashtra …Respondent

Mr. Abhijeet Khade i/b Parashram Pawar, for the Applicant.

Ms. S. M. Yadav, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 08 JANUARY 2026

P.C.:

1. Heard Mr. Khade, learned Counsel appearing for the Applicant and Ms. Yadav, learned APP for the Respondent-State of Maharashtra.

2. A learned Single Judge by detailed Order dated 25th November 2024 has granted interim protection to the Applicant. The said Order dated 25th November 2024 reads as under :-

> "*. Heard learned counsel for the applicant and the learned APP for the respondent-State.*
>
> *2. Although on the last occasion i.e. on 23.10.2024, this application was adjourned on the ground that copy of FIR was not on record and liberty was granted to mention before the Vacation Bench, today the learned counsel for the applicant points out that the relevant document is at page No.35. It shows registration of offences under the provisions of the Indian Forests Act, 1927, against 3 named accused persons. The said document also shows that the offence has been recorded as C.R. No.T-9 of 2024. This is indeed the number*

mentioned in the remand report dated 27.06.2024 submitted by the investigating officer before the Magistrate.

3. At this stage, the learned counsel for the applicant seeks permission to amend the prayer clause of the present application to incorporate the correct C.R. number. Leave is granted to amend the application appropriately. The amendment be carried out forthwith.

4. The allegation in the present case appears to be against 3 named accused persons having illegally transporting timber recorded as "kher" wood.

5. A perusal of the document at page No.35 of the present application, which shows registration of aforesaid offences against the 3 named accused persons, indicates that the applicant is not named and specific overt act is not attributed in the said document against the applicant.

6. In the remand report submitted by the investigating officer dated 25.06.2024, all that is recorded is that the arrested named accused person has stated that the aforesaid timber was being illegally transported at the behest of the applicant. At present, there does not appear to be any material other than the statement of the co-accused persons, which has led to the applicant also being shown as an accused person. In this backdrop, it is difficult to understand why the Sessions Court, while rejecting the anticipatory bail application of the applicant, has observed that the applicant is the main smuggler, who sells wood to customers at Gujarat. Unless the investigation papers are perused, it would not be appropriate to deprive the applicant of interim relief.

7. In view of the above, the investigating officer is directed to remain present before this Court on the next date with the investigation papers.

8. In the meanwhile, the following interim order is passed:

(a) Till the next date, in the event the applicant is arrested in connection with C.R. No.T-9 of 2024 dated 24.06.2024 registered at Surgana Police Station, District Nashik, he

shall be released on bail on furnishing PR Bond of ₹ 50,000/- and one or two sureties in the like amount to the satisfaction of the trial court.

(b) The applicant shall appear before the investigating officer on 27.11.2024 and 28.11.2024 between 10:00 a.m. and 12:00 noon and thereafter as and when required by the investigating officer.

(c) The applicant shall not influence the informant, witness or any person concerned with the case and shall not tamper with the evidence. He shall co-operate with the investigation.

9. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

10. List for further consideration on 07.01.2025, High on Board."

3. Ms. Yadav, learned APP, states that the Charge-sheet is already filed. Thus, investigation is completed.

4. Accordingly, the Anticipatory Bail Application is disposed of in terms of the Order dated 25th November 2024.

[MADHAV J. JAMDAR, J.]