

ORDER BELOW EXH. 1 IN ANITICIPATORY
BAIL APPLICATION. No. 491/2022

This is an application filed under section 438 of Cr. P.C. by accused Vishnu Sahebrao Bangar in Crime No. 73/2022 for offence punishable under section 379 of I.P.C. and section 26(1)(f), 41, 42 of Indian Forest Act and registered with Parli Vajinath Rural Police Station.

2. Brief facts of the case are that on 23/03/2022 at about 17.35 hrs. while API Munde, PN Ghuge and PC Annamwar were patrolling in a private vehicle. At that time API Munde received a discreet information that one person is stealing trees of sandal wood from the bank of the canal abutting the farm of Mohan Munde in village Telgaon. API Munde then summoned panchas, went in the private vehicle and raided the place informed at about 18.15 hrs. At that place accused Pappu Baburao Suryavanshi was found under the baboo tree. On searching the accused Pappu they found the core of the trunk of sandal wood tree, weighing scale and different weighing weights. Accordingly Pappu was arrested and property found in his possession was seized by police.

3. It is submitted that the present applicant is not named in the FIR and the present applicant is, as per prosecution theory, a receiver of trunk of sandal wood tree. The information was given to police by the arrested accused. Nothing is purchased by the present applicant from the arrested accused. Nothing has to be recovered from the applicant. Applicant is ready to abide all conditions as directed by this court. Investigation is over as chargesheet is produced against the arrested

accused. In that charge sheet applicant is shown as absconding but no procedure of sec. 82 and 83 is complied by the IO. Accused was and is ready and willing to co-operate in investigation. Accused is not required for custodial interrogation and therefore, prayed to grant protection from arrest.

4. Notice was issued to state. APP filed reply at Exh. 8. IO filed report at Exh. 9. APP submitted that the applicant was absconding and therefore is not eligible for anticipatory bail. The applicant is receiver of goods and therefore interrogation about any syndicate has to be done and for the same applicant is necessary to be interrogated in custody and therefore custodial interrogation of accused is necessary. Hence prayed to reject the application.

5. Perused the FIR and the report of the police. It is admitted that he name of applicant is not mentioned in the FIR. As per prosecution case the co-accused Pappu informed police during interrogation that he use to sell the trunk of the sandal wood tree to the applicant. It is not the case of the prosecution that applicant had order sandal wood from Pappu and Pappu was fulfilling the demand of the applicant. As per the prosecution case all the articles are seized from accused Pappu. Nothing has to be recovered from the present applicant accused. Applicant is a ready to so-operated and participate in investigation. It is admitted the charge sheet has been filed against co-accused Pappu and that the same charge sheet is filled against applicant under section 299 of Cr.P.C. On perusal of the copy of charge sheet available it is found that the IO has not complied the provisions of section 82 and 83 of Cr.P.C. no proclamation is published in any

manner. Therefore, it cannot be said that applicant was absconding and keeping himself away from the procedure of law. The charge sheet does not reveal any charge kept on present applicant accused for receiving stolen article. Therefore, I find that applicant is not required for custodial interrogation and therefore, I deem fit to pass the following order.

ORDER

1. Application is allowed.
2. In the event of arrest the applicant/accused Vishnu Sahebrao Bangar in Crime No. 73/2022 registered with Parli Vaijinath Rural Police Station. shall be released on bail on executing their PR of Rs. 15,000/- each with one surety each in the like amount on the condition that he shall cooperate the investigating agency as and when required or called.
3. He shall not directly or indirectly make any inducement threat or promise to any other persons acquainted with the facts of the accusation against him so as to dissuade them from disclosing such facts to the court or to any other officer.
4. Breach of the any of the conditions shall entail cancellation of bail.
5. Inform the concern police station accordingly.

Date :- 07/11/2022
Ambajogai

(K. D. Jadhav)
Addl. Sessions Judge – 4,
Ambajogai.

CERTIFICATE

“I affirm that the contents of this PDF file are word to word as per original Judgment/order”.

Dictated on : 07/11/2022

Transcribed on : 07/11/2022

Checked & signed on : 07/11/2022

Date: 21/11/2022

Sd/-

K. D. Chavan

Stenographer