

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1084 OF 2016

Mr. Dhaner Vishnu Sutak ... Applicant

vs.

The State of Maharashtra ... Respondent

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Ms. Sandhya Mailagir i/b. Anil Joshi for the Applicant.

Ms. Rutuja Ambedkar, APP for the State.

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CORAM : A. S. GADKARI, J.

DATE : 30.09.2016.

P.C.:

1. This is an application under Section 439 of the Code of Criminal Procedure, 1973 for bail in C. R. No. II-05/2016 dated 25/1/2016 registered with Vishnunagar Police Station, Dombivli, District Thane under Section 9, 39-A, 48-A, 49-B read with Section 50 and 51 of the Wild Life (Protection) Act, 1972.

2. The First Information Report is lodged by Shri Rajendra R. Thorve, Police Head Constable, then attached to Crime Branch Unit-III, Kalyan on 25/1/2016. It is stated in the said report that after receipt of the confidential information that some persons are trying to sell the skin of leopard / dotted tiger and have arrived at the particular place within the jurisdiction of the said police station. Accordingly, a trap was laid on 25/1/2016 and the applicant and the three other accused persons were accosted at the spot. It is further stated that the applicant was having a gunny bag and in the said bag there was a skin of leopard / dotted tiger. The search of the applicant was taken on the spot. The other co-accused were also searched in presence of panch witnesses. That the applicant along with other three accused persons were subsequently arrested. After completion of the investigation, the police have submitted the charge-sheet before the competent court of jurisdiction.

3. It is the prosecution's case that the Applicant transported the skin of leopard/dotted tiger from the place of hunting of and within the jurisdiction of Vishu Nagar Police Station, Dombivli East. Prima facie it appears that the role attributed to the applicant is revealed on the basis of the statement of the co-accused given when he was in police custody. Prima facie it further appears that there is no other evidence as against the Applicant. In view of the above the Applicant has made out a case for grant of bail.

4. Hence the following order :

ORDER

- a) The applicant be released on bail in CR No. II-05 of 2016 registered with Vishnunagar Police Station, Dombivli on his furnishing a P. R. Bond of Rs. 25,000/- with one or more local sureties in the like amount ;
- b) After his release from jail, the applicant shall attend Vishnunagar Police Station, Dombivli once in three months i.e. on every first Monday of the said month between 11:00 a.m. to 2:00 p.m;
- c) The applicant shall also attend all the dates before the Trial Court ;
- d) Any two consecutive defaults in complying with the aforesaid conditions will attract the provisions of cancellation of bail ;
- e) The applicant shall not tamper with the evidence and/or influence the witnesses ;
- f) The application is allowed in the aforesaid terms.

(A. S. GADKARI, J.)