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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1545 OF 2016

Mahadev Shankar Warghade ..Applicant.

Vs

The State of Maharashtra ..Respondent.

Mr M.U. Kazi Advocate for the applicant.

Ms N.S.Jain APP for the State.

PSI M.G.Jamdade, Vishnunagar, Thane.

CORAM : A.S.GADKARI, J.

DATE :7th September, 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) The learned counsel for the applicant submitted that the applicant is aged about 67 years and there are no antecedents at his discredit. He further drew my attention to the amended provision of section 51 (1) (a) of the Wild Life (Protection) Act, 1972 and submitted that, even if the offence is proved against the applicant, the minimum sentence as prescribed by said section will be one year and which may at the most extend to seven years. He submitted that the applicant has already undergone

imprisonment of about eight months and, therefore, the applicant may be released on bail. I find substance in the submission of the learned counsel for the applicant.

4) The applicant as of today is about 67 years of age. There are no antecedents at the discredit of the applicant. The investigation pertaining to the present crime is completed and no fruitful purpose will be served by further detaining the applicant in jail.

5) In view of the above, the applicant has made out a case for grant of bail.

Hence, the following 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.)