

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.604 OF 2016
(Mangesh Vasantao Khobragade vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri S. Z. Quazi, Advocate for applicant.

Shri S. Kadu, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : DECEMBER 02, 2016

Applicant has sought pre-arrest bail for the offences punishable under Section 9, 39(3)(a)(b)(c), 44(1)(b), 48-A, 49, 49-B(1)(b) and 51 of the Wild Life Protection Act.

Above offences are registered on the strength of report lodged by Shri A.K. Mahajan, Forest Officer. Name of applicant was not mentioned in the said report, which was subsequently added on the statement of co-accused Maroti Waghmare. It is the case of complainant that on the basis of secret information with regard to some party in progress, officials of the Forest Department reached the spot where they found that one wild animal, i.e. Varanus Species (Ghorpad) was killed and being cooked. On arrival of forest officials, persons who were present at the spot fled away. In view of incident as aforesaid, report came to be lodged and crime was registered.

It is the case of applicant that as per allegations in the report, complainant found one

photograph in which four species were shown and out of which, one was consumed and remaining three are required to be recovered and for that purpose, application is being opposed. However, said photograph was not in respect of day of incident, but was made viral on Whatsapp about 15 days prior to the said incident.

Shri Kadu, learned Additional Public Prosecutor for respondent, has submitted that there is no direct involvement of applicant found, however, according to Chemical Analyser's report, flesh was seized from the spot and the same was certified to be flesh of aforesaid wild animal .

Admittedly, applicant while protected by interim bail has attended Investigating Officer as revealed from the certificate issued by Assistant Conservator of Forest. Similarly, all other co-accused involved in the case are released by learned trial Court vide its order dated 7/11/2016.

Having considered the aforesaid facts and as further interrogation of applicant does not appear to be necessary, criminal application is liable to be allowed by confirming order dated 15/9/2016 on same terms and conditions. Applicant is, however, further directed to attend the concerned Officers investigating into the case, if required, till filing of the charge-sheet.

The criminal application is accordingly allowed.

JUDGE

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