

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No.1036 of 2017
[Pandhari Tukaram Zade Vs. State of Mah., Forest Officer,
Bhdrawati, Distt. Chandrapur]

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

Court's or Judge's orders

Mr. S. V. Sirpurkar, Adv., for the applicant.
Mr. A. Madiwale, APP for non-applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 23rd November, 2017

The applicant who has been arrested on 21st September, 2017 in connection with P.O.R. No. 0214/2015 registered at Forest Office, Bhadrawati, Distt. Chandrapur, for the offence punishable under Section 9 of the Wildlife Protection Act, 1972, seeks his release on bail.

As per the First Information Report, the applicant who is owner of Survey No. 36/3 is stated to have introduced electricity current in the fencing across his field. A Nilgai aged about 6-7 years was found electrocuted at said field. Hence, offence came to be

registered. The investigation was carried out and after arresting the applicant, the same has now been completed.

It is submitted on behalf of the applicant that the animal in question finds place in Schedule-III of the Wildlife Protection Act, 1972. The offence in question is punishable under Section 51 of the said Act with imprisonment. As the entire investigation is complete and charge-sheet has also been filed, there is no reason to further detain the applicant.

The application is opposed by the learned Addl. Public Prosecutor by filing reply. It is submitted that the animal in question died on account of electrocution. In his statement, the applicant has admitted the aforesaid act and therefore, the application deserves to be rejected.

Perused the First Information Report.

On completion of investigation, the charge-sheet has now been filed. The animal in question - Nilgai, finds place in Schedule-III at Sr. No. 14. Considering the punishment prescribed under Section 51 of the said Act and as the investigation is now complete, the applicant can be released on bail, subject to his co-operating in completion of the trial.

Accordingly, the applicant who has been arrested in connection with P.O.R. No. 0214/2015 registered at Bhadrawati Forest Office, Distt. Chandrapur, for the offence punishable under Section 9 of the Wildlife Protection Act, 1972 is directed to be released on bail on furnishing a personal bond of Rs. 25,000-00 [rupees twenty-five thousand only] with one surety in the like amount. The applicant shall co-operate in the completion of trial and shall not take any steps to tamper with the prosecution evidence.

The observations made in this order are only for deciding the present application which is allowed and disposed of.

Judge

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