

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.8402 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 is filed by the petitioner, who is A.3, for grant of anticipatory bail in the event of his arrest in POR No.09-5/2017-18, dt.16.11.2019 of Forest Range Officer, Hyderabad East Range, registered for the offences under Section 9 r/w. Section 2 of (16), 39, 49, 50 and 57 punishable under Section 51 of Wildlife (Protection) Act, 1972.

The case of the prosecution is that on 14.11.2019, the Deputy Range Officer, Tarnaka, on information received from the Task Force about illegal possession of wild animals, rushed to the spot and spotted the wild animals confined in cages, which were brought by A.1 and A.2 for trading, but they fled away from the scene of offence. LW.1 took up investigation and seized the wild animals and handed over the same to Nehru Zoological Park, Hyderabad, and registered the above case.

Heard learned counsel for the petitioner/A.3 and the learned Additional Public Prosecutor appearing for the respondent State. Perused the material on record.

Learned counsel for the petitioner contends that the petitioner is innocent of the offences alleged and he is nothing to do with the above crime. It is also contended that the entire

complaint does not disclose about involvement of the petitioner in the above said crime and the facts of the case do not attract ingredients of any of the offences alleged and the petitioner was falsely implicated in the above crime. It is contended that A.1 and A.2 have already obtained regular bail from the Court concerned and the application filed by the petitioner was dismissed vide order dt.13.12.2019 in Crl.MP.No.4396 of 2019 passed by the learned IV Additional Metropolitan Sessions Judge, Hyderabad. It is also contended that the petitioner is ready to abide by any conditions imposed by this Court, including assisting the investigating agency for his release on anticipatory bail in the event of his arrest in the above crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition.

As seen from the statements of the other accused i.e., A.1 and A.2, it is revealed that they are working for the petitioner/A.3, who is engaged in the business of trading wildlife animals in the name and style of M/s. Fortune Associates located at Banjara Hills Road, Hyderabad. They procured wildlife animals, viz., Slow Loris, Indian Star Tortoise and Soft Shell Turtle. It is to be seen that investigation is to be conducted in this regard to find out as to how the petitioner has procured the aforesaid endangered rare species. Thus, looking into the nature of allegations

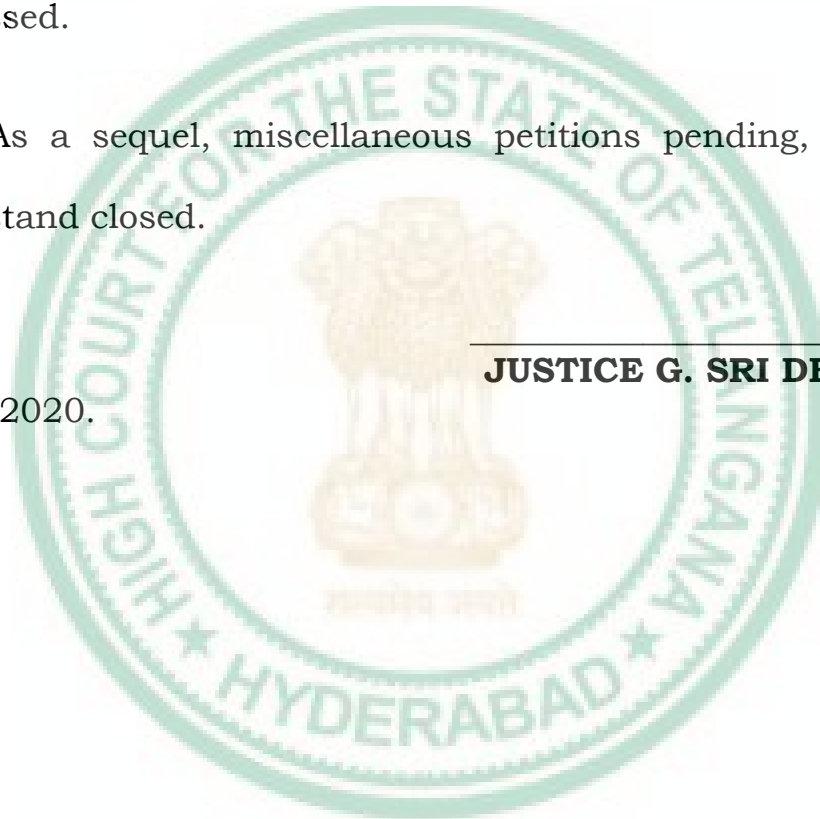
levelled against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. However, if the petitioner/A.3 surrenders before the Court below concerned and moves an application for regular bail within fifteen days from the date of this order, after giving prior notice to the Public Prosecutor concerned, the said application shall be considered in accordance with law.

With the above observations, the Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE G. SRI DEVI

06.01.2020.
Msr



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Msr