

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3588 OF 2021

1) NITIN PRAKASH SURYAVANSHI)
)
2) KIRAN RAJARAM SAWANT)...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

WITH

BAIL APPLICATION NO.3654 OF 2021

VYANKATESH DATTATRAY RAWOOL)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Tapan Thatte a/w. Mr.Shantanu Adkar i/b. Mr.Amar Patil,
Advocate for the Applicant in B.A.No.3588 of 2021.

Mr.Vilas Tapkir, Advocate for the Applicant in B.A.No.3654 of 2021.

Smt. Anamika Malhotra, APP for the Respondent – State in B.A.
No. 3588 of 2021.

Mr.H.J.Dedhia, APP for the Respondent – State in B.A. No. 3654 of 2021.

CORAM : V. G. BISHT, J.

RESERVED ON : 28th OCTOBER 2021
PRONOUNCED ON : 29th OCTOBER 2021

P.C. :

1 The present applications have been moved by the applicants under Section 439 of the Code of Criminal Procedure in Crime No.WL5 of 2021 registered with Range Forest Officer at Sawantwadi for offences punishable under Section 2, 9, 39, 39(1-A, B, D), 39(2), 39(3-A, B, C), 44, 49-B and 51 of the Wildlife (Protection) Act, 1972.

2 It is the case of prosecution that on 16th September 2021 the applicants and others were found in possession of a Trophy (leopard hide). It is alleged that the applicants were carrying the said Trophy to sell. Accordingly, offence came to be rejected.

3 Mr.Tapan Thatte and Mr.Vilas Tapkir, learned counsel for the applicants in both the bail applications respectively submit that the applicants were never in conscious possession of the Trophy and even if it is assumed for the sake of argument that they were found in possession of the Trophy, then also the investigation is almost complete and no benefit of whatsoever nature will be there in favour of the prosecution if the applicants are allowed to remain behind the bars. In such circumstances, the applications deserve to be allowed.

4 Smt.Anamika Malhotra and Mr.H.J.Dedhia, learned APP, on the other hand, submit that the investigation is yet to be completed and it would not be proper to release the applicants on bail.

5 I have carefully gone through the papers. Assuming for the sake of argument that the applicants were found in possession of the Trophy, then there remains nothing to be seized or investigated further. The alleged offence is punishable with

imprisonment up to 7 years and with fine and not either with death or life imprisonment.

6 In my considered opinion, no further purpose would be served by allowing the applicants to remain behind the bars. In view of the above, I pass the following order :

ORDER

- (i) Applicants Nitin Prakash Suryavanshi and Kiran Rajaram Sawant (Bail Application No.3588 of 2021) and Applicant Vyankatesh Dattatray Rawool (Bail Application No.3654 of 2021) shall be released on bail in Crime No.WL5 of 2021 registered with Range Forest Officer at Sawantwadi, on their executing P.R.Bond in the sum of Rs.25,000/- each with one or two sureties in like amount by each of the applicants.
- (ii) The applicants shall not tamper with prosecution evidence.
- (iii) The applicants shall attend the concerned Police Station as and when called by the Investigating Officer.

(iv) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(v) The applications are allowed in the aforesaid terms and stand disposed off.

(V. G. BISHT, J.)