

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 35 OF 2021

Baliram Kakad Janate @ Janathe	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. V. V. Purwant, Advocate for the Applicant.

Ms. Veera Shinde, APP for the Respondent – State.

Mr. Sanjay B. Kamble, Assistant Conservator of Forest, Sanjay Gandhi National Park, Vorivali, Mumbai, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd FEBRUARY, 2021

PER COURT:

1. This is an application for anticipatory bail in connection with WLP No. 10 of 2019-20 investigated by the Forest Office, Borivali Sanjay Gandhi National Park Division, Mumbai for offences under Section 9, 26(1), 27, 35, 51 of Wild Life Protection Act.

2. The case of the complainant is that the officials of the forest department were patrolling on 25th March, 2020. The accused were carrying guns and attempting to hunt wild animals. They fired at wild cat. The person who fired was Ganpat Mankar. Applicant and two others were accompanying Ganpat Mankar. They are questioned by the forest officer and at that time accused to charged at them and threatened them. FIR was also registered with Kasturba Marg Police

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Station, Mumbai for offence under Section 353, 143, 147, 148 & 149 of Indian Penal Code and Sections 3 & 25 of Indian Arms Act. The present FIR however relates to the offence under the Wild Life Protection Act.

3. The alleged role attributed to the applicant that he was accompanying the co-accused who are armed with gun. The co-accused was arrested in the case registered with Kasturba Marg Police Station, Mumbai and released on bail. The applicant had preferred an application for anticipatory bail before the Sessions Court in respect to FIR registered with Kasturba Marg Police Station which was allowed. The said FIR was lodged by Forest Officer on 28th March, 2020.

4. The conservator of Forest has filed an affidavit stating that they have powers to investigate such crime. Considering the fact that the applicant was granted anticipatory bail in respect to FIR registered with Kasturba Marg Police Station and the role attributed to the applicant, relief can be granted. Allegations in both complainants are similar. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No. 35 of 2021 is allowed;
- (ii) In the event of arrest of the applicant in connection with

in WLP No. 10 of 2019-20 investigated by the Forest Office, Borivali Sanjay Gandhi National Park Division, Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall attend the investigating officer as and when called for.

(iv) Anticipatory Bail Application stands disposed of accordingly.

5. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)