

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1106 OF 2022

Venkatesh Durai Swami	... Applicant
Versus	
The State of Maharashtra	... Respondent

WITH

BAIL APPLICATION NO. 1121 OF 2022

Mahesh Balasaheb Kate	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. S. G. Magre, Advocate for applicant in BA/1106/2022
Mr. N. D. Sonawane, Advocate for applicant in BA/1121/2022
Mr. S. P. Sonpawale, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 25th AUGUST, 2022

PER COURT :-

. Both these application are for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0503/2022, registered at M.I.D.C. Police Station, District Ahmednagar, for the offences punishable under Sections 429 of the Indian Penal Code and

under Sections 2(16), 39, 44, 9, 49-B, 50, 51 of the Wild Life (Protection) Act, 1972.

2. Heard. Perused the First Information Report (FIR) and related papers.

It is the case of the prosecution that a secret information was received that both the applicants were to arrive at Jeur toll naka for sale of tusk and four persons were to arrive for purchasing the same. A trap was therefore laid. Accordingly, two persons with a particular description arrived at the given place. Four other persons had also arrived there. No sooner they came there, the trap party overpowered them. Accused No.1 was found in possession of the tusk. Accused No.2 had brought him there on his motorbike.

3. The learned APP would submit that behind such offence, there might be either Inter-State or even International racket.

4. The papers of investigation so far made indicate that the Investigating Officer had even not searched the residential place of both the applicants. The offence is triable by the Court of Judicial Magistrate First Class. The applicants have roots within the limits of the Court that would be seized of the matter, once the charge-sheet is filed. The applicants have been behind the bars for over fifty (50)

days. Considering the nature of offence and the fact that the applicants are resident of district Ahmednagar, their applications are allowed. Hence, following order:

ORDER

- (i) The Bail Applications are allowed.
- (ii) The applicants be released on bail in connection with Crime No.0503/2022, registered at M.I.D.C. Police Station, District Ahmednagar, for the offences punishable under Sections 429 of the Indian Penal Code and under Sections 2(16), 39, 44, 9, 49-B, 50, 51 of the Wild Life Protection Act, 1972, on their executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with surety bond each of the like amount.
- (iii) The applicants shall attend the concerned police station on alternate days at 12.00 noon, till next twelve (12) months.
- (iv) The applicants shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]