

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 164 OF 2022

Prakash s/o Mahadev Koli **Versus** State of Maharashtra, thr. R/T Forest Department,
Butibori PS. Butibori, Tah. Hingna, Dist. Nagpur.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.D. Tote, counsel for the applicant.

Shri T.A.Mirza, APP for the non-applicant /State.

CORAM : ANIL S. KILOR, J.

DATED : 18/08/2022

1. The applicant is seeking bail in connection with Crime No. 4919/122954, registered with Butibori, Police Station, Butibori, Hingna, Tq. Hingna, District Nagpur, for the offences punishable under Sections 2(16), 2(31), 9, 39, 44, 49(B), 50, 51(1), 51(1-A), 52 of the Wild Life (Protection) Act, 1972.

2. Learned counsel for the applicant submits that, in this case, maximum punishment would be seven years and the applicant has already undergone incarceration of ten months. It is further submitted that, as the investigation is completed, further custody of the applicant is not necessary.

3. He further submitted that, the applicant has been falsely implicated in the alleged offence as nothing has been seized from the applicant.

4. On the other hand, learned APP strongly opposed the present application and submits that, body

parts of the Tiger were found with the applicant and on inquiry, it is informed that the same were given by Santosh Pandurang Kumbhekar to him. It is submitted that, as the offence is serious, this Court may not grant bail to the applicant.

5. I have perused the Charge-sheet and the First Information Report.

6. In this case, the offence is about poaching of Tiger in the Reserved Forest Area and removal of the trophies. The applicant is in jail since last ten months. Whereas, the investigation is completed and the charge-sheet has been filed.

7. Thus, considering the maximum punishment and the period of incarceration the applicant has undergone coupled with the fact that the charge-sheet has been filed, I am of the opinion that further custody of the applicant is not necessary.

8. As far as the apprehension of the learned APP that, the applicant may commit similar offence, is concerned, the same can be addressed by imposing some stringent conditions. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant in Crime No. 4919/122954, registered with Butibori, Police Station, Butibori, Hingna, Tq. Hingna, District Nagpur, for the offences punishable under

Sections 2(16), 2(31), 9, 39, 44, 49(B), 50, 51(1), 51(1-A), 52 of the Wild Life (Protection) Act, 1972, the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station as and when his presence is required.
- d) The State is at liberty to move application for cancellation of bail, in case of breach of any condition or the applicant commits the similar offence.
- e) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]