

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.675 OF 2022

Sanjay s/o Subol Mandal Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri N.N. Adhikari, Advocate for applicant.
Shri S.M. Ghodeswar, APP for non-applicant.

CORAM : G.A. SANAP, J.

DATE : NOVEMBER 18, 2022.

The applicant apprehends his arrest in Crime No.08161/204005/2022 dated 11.08.2022 registered with Range Forest Officer, Markanda (Kansoba), Markanda Forest Division, Tah. Mulchera, District Gadchiroli for the offences punishable under Sections 26(1) (d)(i) of the Indian Forest Act, 1927 and under Sections 9, 27, 29, 39, 50, 51 and 52 of the Wildlife Protection Act, 1972 and therefore he has approached this Court for anticipatory bail.

2. It is the case of the applicant that the investigation is over. Property involved in the commission of the offence has already been seized. The accused nos.1 and 2 have been released on bail. This applicant/accused has been falsely implicated in this crime. His arrest is not necessary for custodial interrogation. He is ready to cooperate with the Forest Officer. Similarly, he is ready to abide by the conditions that may be imposed by this Court in the event of granting him protection from arrest.

3. The State through Range Forest Officer has filed the reply and opposed the application. It is contended that on 10.08.2022 the accused persons had spread electric wire in the jungle area which was connected to 11KV electric transmission line. However, the electric supply was discontinued due to dripping and therefore the accused persons came to the spot at 11 O'clock. They were searching the dead animals, on the spot. The Forest Officer went to the spot and apprehended two accused. This applicant/accused ran away from the spot. It is contended that considering the serious nature of forest offences the custodial interrogation of the applicant/accused is necessary. He is not entitled for bail.

4. I have heard learned advocate for the applicant and learned Additional Public Prosecutor for the State. Perused the record and proceedings.

5. I have perused the order dated 12.08.2022 passed by the learned Judicial Magistrate First Class, Chamorshi, whereby the accused nos.1 and 2 have been granted bail. The relevant facts *vis-a-vis* the nature of the offence, the nature of the property involved in the crime, seizure of the said property and the stage of the investigation have been set out in paragraph 4 of the said order. Perusal of this order clearly indicate that the *Muddemal* involved in the crime has been recovered. The investigation is almost complete. Learned Additional Public Prosecutor submits that due to the act of

the accused persons not a single animal was killed. It therefore goes without saying that arrest of this applicant is not necessary for custodial interrogation. The investigation as can be seen is almost over. It is not the case of the prosecution that this accused has criminal antecedents with regard to the commission of the forest offences. Therefore, in my view subject to appropriate conditions the application made by the applicant can be granted. Hence, I pass the following order:

ORDER

- i. The Criminal Application is allowed.
- ii. Ad-interim anticipatory bail granted vide order dated 20.09.2022 by this Court stands confirmed on the same terms and conditions.
- iii. The applicant shall not, in any way, tamper with the prosecution evidence or threaten the prosecution witnesses.
- iv. The applicant shall attend the Range Forest Office, Markanda Forest Division, Tahsil Mulchera, District Gadchiroli on every Saturday between 7:00 p.m. and 9:00 pm till filing of the charge-sheet.

JUDGE

Wagh