



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

CRIMINAL APPLICATION (ABA) NO.651 OF 2023

[Swapnil Manik Maharnar ..V/s.. State of Maharashtra.]

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

Court's or Judge's order

Mr T. U. Tathod, Advocate for Applicant.
Ms M. Kavimandan, APP for Non-Applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 11th DECEMBER, 2023.

. By this application, the applicant is seeking anticipatory bail in connection with Crime No.430 of 2023 registered under Sections 353, 332, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 27, 29, 31 and 26(1)(d) of the Indian Forest Act and the Wildlife Conservation Act, 1927.

2. The accusation against the present applicant is on the basis of report lodged by Sushilkumar Jayram Patharkar, who is the Forest Officer, alleging that he is working as a Forest Guard under Somthana Bit of the Karanja Sohol Wildlife Sanctuary. When he was on patrolling duty alongwith the forest laborers at the forest area, wherein at about 12:50 p.m., he witnessed some cattle and buffaloes were grazing in the said forest. He reached near the cattles and found that the owners of the said cattles were also standing there. The applicant alongwith the other co-accused was present there and started arguing with the informant and present applicant has also assaulted him by means of stick. On the basis of said report, Police have registered the

crime.

3. Mr Tathod, learned counsel for applicant submitted that the incriminating article stick is already handed over to the Investigating Officer and now the custodial interrogation of the present applicant is not required. He has already cooperated with the Investigating Agency.

4. Whereas, the learned Additional Public Prosecutor strongly opposed the application on the ground that the custodial interrogation of the present applicant is required for the investigation purpose and hence, the application deserves to be rejected.

5. Heard the learned counsel for the applicant and learned APP for State.

6. The learned counsel for applicant has placed on record the extract of the diary which shows that the present applicant has attended the Police Station and cooperated with the Investigating Agency. Considering the allegations made against the present applicant, his custodial interrogation is not required.

7. In view of that interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order :

ORDER

- i) The criminal application is **allowed**.
- ii) The Ad-interim relief granted to the applicant

vide order dated 04.10.2023 is hereby confirmed with the same terms and conditions given in the said order.

8. The pending application(s), if any, stand(s) disposed of.

JUDGE