IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 4657 of 2024

BETWEEN:-

KALUA @ KALURAM MARAVI S/O CHHOTE LAL MARAVI, AGED ABOUT 44 YEARS, OCCUPATION: TEACHER PRATHMIK SHIKSHAK (SHASHKIYA PRATHMIK SHALA BHAANPUR, DISTRICT DINDORI) R/O GRAM CHAUDAS POST OFFICE AMGOUN THANA AND TEHSIL NIWAS DISTRICT MANDLA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI PARITOSH TRIVEDI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH FOREST CIRCLE OFFICE NIWAS (PASCHIM VAN MANDAL) DISTRICT MANDLA (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI SUNIL GUPTA - PANEL LAWYER)

This application coming on for admission this day, the court passed the following:

ORDER

This is the first application filed by the applicant under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail relating to Crime bearing P.O.R. No.24424/2011 dated 11.01.2024 registered at Forest Circle Office Niwas (Paschim Van Mandal), District Mandla (M.P.) for commission of offence under Sections 2, 9, 39, 44, 50, 51, 52 of Wild Life (Protection) Act, 1972. Applicant apprehending his arrest in the aforesaid offence has knocked

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the portal of this Court for grant of anticipatory bail.

2. As per the prosecution story, on 10.01.2024, on basis of secret information received from informer, beat guard Chandra Prakash reached on Mohgaon Masurighughri Road, two persons were found sitting on two motor-cycles. They were having bags. In search of their bags, four pieces of leopard paw were seized. However, Kaluram Maravi managed to flee away from the spot. Motor-cycles and paws were seized and POR was registered.

3. Learned counsel for the applicant has submitted that applicant has not committed any offence. He is innocent. He has been falsely implicated. It is submitted that applicant is a government teacher. No leopard paws were seized from his possession. There is no possibility of his fleeing from the justice as he is a government employee. It is further submitted that beat guard was not alone; at the time of search, they were surrounded by 5 - 7 forest officials. Applicant had no chance to flee away from the spot. Therefore, it is prayed that the applicant may be released on anticipatory bail.

4. On the other hand, learned counsel for the State has opposed the prayer for grant of anticipatory bail to the applicant and has submitted that four leopard paws have been seized from possession of present applicant and co-accused Omnarayan. Dead body of hunted leopard has also been recovered in jungle.

5. In this case, nail claw (leopard paws) have been seized from the possession of present applicant and co-accused. Forest officials had no previous enmity with the applicant, therefore, possibility of falsely implicating is not worth acceptable at this stage. It is a case of hunting a wild animal of Schedule - Ist. On perusal of material on record including the factum of recovery of motor-cycle of the applicant from the spot, his active participation

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in commission of offence cannot be ruled out. His custodial interrogation appears necessary. Therefore, having taking into consideration the overall facts & circumstances of the case, but without commenting anything on the merit of the case, I am of the view that it is not a fit case for grant of anticipatory bail to the applicant.

6. Consequently, this first application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail filed on behalf of **applicant - Kalua @ Kaluram Maravi** stands **dismissed**.

(DINESH KUMAR PALIWAL)
JUDGE

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