

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2036 OF 2024**

Sachin Ashok Tonde	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Vishal V. Rankhambe a/w. Ms. Aparna V. Rankhambe for applicant.

Ms. Rutuja Anil Ambekar, APP for respondent-State.

Mr. Hanumant Anandrao Jadhav, Range Forest Officer, Vadgaon Maval, Pune.

**CORAM : MANISH PITALE, J.
DATE : 22nd AUGUST, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with Forest Crime No.1/च.प्र./2024 dated 19.06.2024 registered with Forest Office, Vadgaon Maval, District Pune for offences under sections 2(16)(a)(b)(c), 2(20), 2(33), 2(35), 9, 39, 48A and 51 of the Wild Life (Protection) Act, 1972 and Sections 3(1), 5(1)(a)(b), 6, 7(a)(b)(c), 19(1), 19(2), 19(3), 20, 25(1)(a)(b)(d), (1A), (1AA) of the Arms Act, 1959.

3. The allegation against the accused persons in the present case is that they hunted a wild animal "*Bhekar*", which according to the investigating authority, is Malabar Red Munjtak, being an animal specifically included in schedule I of the Wild Life (Protection) Act, 1972. It is alleged that the said protected wild animal was hunted down and thereafter, skinned and its meat was cooked for consumption, when the Forest Officer alongwith his team, apprehended the accused persons on 19.06.2024.

4. The learned counsel for the applicant submits that the applicant was not found at the place, when the raid was conducted by the Forest Officer and his team. Although it is claimed that the cooked meat of the said animal was found in certain utensils, the presence of applicant at the spot is not established by the material on record. It is submitted that the applicant has no criminal antecedents and he is ready to co-operate with the investigation.

5. On the other hand, the learned APP relied upon the investigation papers and submitted that the co-accused persons have specifically named the applicant, as the person who had hunted the wild animal and he had also cooked the meat. The name of applicant also finds mention in the *panchnama* dated 19.06.2024 executed, when the raid was conducted.

6. This Court finds that in the first instance, when the raid was conducted, even according to the *panchnama* brought to the notice of this Court, only the co-accused persons were found on the spot with the cooked meat, allegedly that of the aforesaid protected animal. It is only in the statements of co-accused persons that the role of applicant came to the fore as the person, who allegedly hunted down the animal and cooked its meat. Other than the statements of co-accused persons, there is no material to link the applicant with the present case. It is an admitted position that the co-accused persons were granted regular bail by the Sessions Court, by observing that they are all residents of Vadgaon Maval and there is hardly any possibility of tampering with the evidence, as the witnesses are Government servants.

7. The applicant undertakes to co-operate with the investigation and there are no criminal antecedents. Hence, this Court is inclined to allow the present application.

8. In view of the above, the application is allowed in the following terms:
- (i) In the event the applicant is arrested in connection with Forest Crime No.1/च.प्र./2024 dated 19.06.2024 registered with Forest Office, Vadgaon Maval, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court;
 - (ii) the applicant shall remain present before the Investigating Officer on 24.08.2024 and 26.08.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon to remain present;
 - (iii) the applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case;
 - (iv) the applicant shall co-operate with the investigation and also in the proceedings before the trial court.
9. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.
10. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.
11. The application stands disposed of.