



(1)

18.aba.142.2024

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

CRIMINAL APPLICATION (ABA) NO.142 OF 2024

Ravindra s/o Wasudev Garmale and others
Vs.

State of Maharashtra, Through Police Station Officer, Kurkheda, Police
Station, Kurkheda, District Gadchiroli

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

Court's or Judge's orders

Mr. H. P. Lingayat, Advocate for applicants.
Ms. R. V. Sharma, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13 /03/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.3/2024 registered with Police Station, Kurkheda, District Gadchiroli for the offences punishable under Sections 353 and 504 read with Section 34 of the Indian Penal Code, the applicants approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by Vijay Vasantrao Dhande, who is serving as a Forest Officer at Forest Division, Vadsa, Taluka Vadsa, District Gadchiroli. He alleged that on 31.12.2023 at about 3.00 p.m., he received the information that one elephant is reported to be dead and thereafter, he along with his staff proceeded towards the spot, at that time, the present applicants came there and

they abused him as well as other staff. The applicant Nos.1 and 4 attempted to set the dead elephant on fire by putting some wood on his person. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that the FIR is lodged after three days of the incident which shows that the Forest Officer after fabrication, the FIR is lodged. As far as custodial interrogation is concerned, which is not required. The applicants are ready to cooperate with the investigating agency and prays for releasing them on bail.

4. Learned APP strongly opposed the application on the ground that there is a *prima facie* material against the present applicants, as the present applicants by abusing and attempting to burn the dead elephant, caused the interference in the work of the Forest Officer and prays for rejection of the application.

5. After hearing both the sides and on perusal of the investigation papers, it reveals that as the applicant Nos.2 and 3 against whom the allegations are only to the extent of abuses, whereas against the applicant Nos.1 and 4, there are serious allegations. Considering the role of the applicant Nos.2 and 3, their prayer for grant of pre-arrest bail deserves to

be allowed. The applicant Nos.1 and 4 against whom the serious allegations are made that they have attempted to burn the dead elephant by putting on him some wood and dry grass deserves to be rejected. In view of that, application deserves to be allowed partly. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed partly.

(ii) The applicant **No.(2) Vinayak s/o Dharmaji Garmale and applicant No.(3) Baliram s/o Pandurang Garmale** shall be released on anticipatory bail in the event of their arrest in connection with Crime No.3/2024 registered with Police Station, Kurkheda, District Gadchiroli for the offences punishable under Sections 353 and 504 read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(iii) The prayer of the applicant **Nos.(1) Ravindra s/o Wasudev Garmale and applicant No.(4) Vinod s/o Baliram Garmale** for grant of anticipatory bail is hereby rejected.

(iv) The applicant Nos.2 and 3 shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(4)

18.aba.142.2024

(v) The applicant Nos.2 and 3 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate