

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO.2047/2024****SURAJ BALAI PRAMANIK****..APPLICANT****VS****STATE OF MAHARASHTRA****..RESPONDENT**

Adv. Savvy Kolhekar i/b. Adv. Aniket Vagal for applicant.

Ms. Supriya Kak, APP for State.

Rakesh Vasant Bhoir, Range Forest Officer, Mumbai.

CORAM : RAJESH S. PATIL, J.**DATE : MARCH 18, 2025.****P.C. :**

1. The present anticipatory bail application has been filed by the applicant seeking pre-arrest bail, in connection with The Deputy Conservator of Forest, Mumbai Division in C. R. no.WL-01/2024-25 for the offences punishable u/s. 9, 39, 44, 48,48(A), 51 of the Wild Life (Protection) Act, 1972 (Amendment Act 2022).

2. Ms. Kolhekar, learned counsel for the applicant submits that the notice was issued to the applicant on 11 June, 2024 by the Forest

Department, State of Maharashtra, which stated that the applicant should attend the office of Forest Department situated at Masjid Bandar, Mumbai-1. She further submits that the applicant was interrogated by the Forest Department near the CST Railway Station, Mumbai-1. She submits that though the notice dated 11 June, 2024 is on letter head of Forest Department, State of Maharashtra, showing address of Thane, however, as the applicant was arrested near the CST, Mumbai-1, when he handed over the alleged animals to the officers, and he was also attended the Forest Department Office at Masjid Bandar, the jurisdiction to file an anticipatory bail application would always be in Sessions Court, Mumbai. She further submits that the alleged animals mentioned in the present crime at the most would falls under Schedule -II of Wild Life (Protection) Act, 1972 (Amendment Act 2022). She submits that punishment has mentioned in the Act would be only to those animals which falls under Schedule-I of the Wild Life (Protection) Act, 1972 (Amendment Act 2022).

3. Ms. Kolhekar, learned counsel for the applicant submits that on 9 June 2024 the applicant was interrogated by the Forest Department near CST Railway Station where two Channa Barca snakehead were found in the custody of the present applicant. Thereafter, notice dated 11 June 2024 was issued by the Forest Department directing

the applicant to attend the office of the Forest Department on 12 June 2024. She submits that on 12 June 2024 the officers of the Forest Department visited the house of the applicant at Vasai, where they found 12 Snapping Turtles. She submits that there is nothing to be recovered from the applicant. The applicant is ready to co-operate with the police. Therefore, the custody of the applicant is not required.

4. The learned APP submits that in spite of notice being issued to the applicant, the applicant is not ready to co-operate and is not disclosing the source from where the present applicant had procured the said animals.

5. By an order dated 11 March 2025, this Court had directed the applicant to attend the office of the IO on 13 March 2025 and 15 March 2025 and interim protection was granted to the applicant. Today I have been informed that the applicant did not attend the office of the IO on 13/3/2025 and 15/3/2025, hence, however, the learned APP submits that the applicant has not cooperated with the IO. He gave a name of a person from whom he obtained snakehead. He has not given any kind of address/contact details of that person and he gave only mobile number of that person. However, the said

mobile number on being dialed is switched off. He further stated that he came in contact with that person through Facebook and does not have any other details of the said person. It is difficult to believe that the present applicant, who as per the allegation of the prosecution in trading in animals, and dealing with a person whom he says as never met. In my view, the applicant is hiding the details of the persons who are involved in the crime.

6. As per the Constitution of India, Part IV deals with Directive Principles of State Policy. Article 48A states as under:-

Article 48A. Protection and improvement of environment and safeguarding of forests and wild life.

The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

Part IVA deals with Fundamental Duties. Article 51A(g) reads as under:-

51A It shall be the duty of every citizen of India

(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.

7. The primary objectives of the Wildlife (Protection) Act, 1972 (Amendment Act 2022) includes,

(a) to ensure the protection of endangered species,

- (b) to regulate the hunting of wildlife,
- (c) to control the trade of wildlife products, and
- (d) to establish protected areas like national parks, wildlife sanctuaries and reserves.

8. Section 51 of the Wildlife (Protection) Act, 1972 (Amendment Act 2022) deals with “penalty”. Section 51(1) mentions about persons who contravenes in provisions of the Act or commits any breach shall be guilty of offence against the act and on conviction be punishable with imprisonment or with fine or with both. The fact remains that the applicant was caught with two “Channa Barca snakehead” and thereafter, at his residence, eleven “snapping turtles” were found. Therefore, the present applicant has been caught red-handed with the animals. He would be liable for the offence committed under the Wild Life (Protection) Act, 1972 (Amendment Act 2022). Both the animals are part of Schedule II, Appendix III.

9. Taking into consideration the gravity of the offence committed by the present applicant and as he not being cooperated with the IO, the physical presence of the present applicant is necessary for the purpose of interrogation. Hence, no case is made out to grant pre-arrest bail to the present applicant.

10. The anticipatory bail application is rejected and disposed of accordingly.

(RAJESH S. PATIL, J.)