

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 362 OF 2025

Bhimrao Pandurang Shinde

..... Applicant

VERSUS

State of Maharashtra

..... Respondent

Mr. D. V. Sutar a/w. Ms. Latika Kabad i/b. Ms. Kavita D. Vijapure
for the Applicant.

Mr. Nitin B. Patil, A.P.P. for the State.

CORAM : RAJESH S. PATIL, J.

DATE : 10th FEBRUARY, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Preliminary Offence Report (POR) No. WL-06/2024 registered on 30th December, 2024 with Forest Range Kolhapur Karveer, Circle, Kapashi for the offence punishable under Sections 9, 39, 48A and 51 of the Wild Life (Protection) Act, 1972.

2. It is the case of the prosecution that in the house of the present applicant they found that the applicant was selling the meat of wild boar who is a protected animal. The persons by name Mr.Pradeep Sutar and Mr.Amol Chavan acted as decoy customers. They visited the applicant's house, where they requested for buying the meat when the accused was present. The head of the wild boar was shown to them, and accordingly 2 kg of the wild boar meat was sold to the decoy customers at the rate of Rs.700/-. The conversation between the decoy customers and the accused person was heard by the squad members on phone. After that transaction was over, the decoy customers returned back. Thereafter after half an hour, the entire team visited the house of the accused, when the wife of the accused opened the door, the house was inspected and near bathroom in two crates, different parts of the body of the wild boar were found. The instrument for cutting the wild boar was also found. At that time, the accused had left and was not found at the house. A panchnama was thereafter prepared, and the said

panchnama has been signed by the wife of the accused. Subsequently, a crime report was registered.

3. On behalf of the applicant, it has been submitted that the applicant had licence to sell meat of goat and hen from the Food Safety and Standards Department. However, the said licence expired in the year 2020 and the applicant has not renewed it since then. The other persons in the village are selling meat to the applicant, and the neighbours of the applicant are also selling meat and merely out of the competition, there is possibility of falsely implicating the present accused. The accused works part-time in the Government Department as a Cluster Co-ordinator in Zilla Parishad.

4. It is further submitted that, during the relevant time, the accused was on duty. It is further submitted that under Section 51 of the Wild Life (Protection) Act, 1972, the maximum penalty is 3 years. The applicant has no criminal antecedents, and being a Government Servant, the applicant will also co-operate with

the police for investigation. Therefore, the applicant needs to be protected and the present anticipatory bail application be granted.

5. The learned counsel appearing for the applicant relied upon following orders:-

(a) The order of this Court in *Anticipatory Bail Application No. 3094 of 2024, Faizan Khan vs. Assistant Chief Conservator of Forests & Anr. dated 25th November 2024*

(b) The order of Kerala High Court in *Bail Application No.10581 of 2022 Jineesh James vs. State of Kerala dated 6th January, 2023.*

6. The learned A.P.P submits that the Forest Officers have found through the decoy customers that the applicant has shown dead head of wild boar and thereafter sold the meat to the said decoy customers. Thereafter the whole team went to the house of

the applicant when the applicant was not present. Different parts of the body of the wild boar were found inside the house of the applicant. After preparing the Panchnama the wife of the applicant has signed the Panchnama. Initially the applicant has only licence of selling the meat of the goat and hen. The wild boar is a protected animal under Schedule II Entry No.23 of the Wild Life (Protection) Act, 1972. The offence is serious one, as for hunting wild boar atleast more than four persons are required. The applicant has not given details of any such persons who had accompanied him. Neither he has disclosed what kind of weapon was used for hunting the wild boar and how many such offences earlier has been committed by the applicant and the other co-accused. Learned A.P.P submits that 12 tusks of wild boar were found in the house of the applicant. Hence, atleast 6 wild boars were killed. Therefore, the custody of the applicant is required.

7. I have gone through the FIR and the documents relied upon

by the parties. The statement of the Forest Officers have been recorded. Those statements are in line with the statement recorded in the FIR. Panchnama has been signed by the wife of the present applicant. The said Panchnama records that 12 tusks, 12 small teeth, 2 parts of jaw, measurement weight 1 kg., a pot with blood stains, 3 knives, one sattur, one weighing machine, 2 crates of blue and orange color, one small sattur and 3 bags were seized.

8. The investigating officer could recover certain weapons in the form of knife. However, it is not possible only by knife the wild boar could have been killed. Therefore, probably the gun must have used for killing wild boar and apart from the applicant there has to be atleast 4 – 5 accused person whose names the present applicant has not disclosed. The applicant has stated that he is a Government Servant and therefore at the relevant time, he was on duty. The incident of killing of wild boar and thereafter selling it has happened in around late evening between

7:45 p.m. to 10:00 p.m. which is not usual time when the government staff is expected to be in office for work. The applicant has claimed that he is working in Zilla Parishad, Kolhapur at Shahuwadi Taluka, Kolhapur.

9. The wild boar is a protected animal as per Schedule II Entry No.23. The said Schedule II Entry No.23 is as under :-

SCHEDULE II

Sr. No.	Common Name	Scientific name
23	Wild Pig	Sus scrofa

10. The learned counsel for the applicant relied upon the order passed by the Single Judge of this Court in case of ***Faizan Khan*** (supra). In the said order, paragraph no.6 last four lines reads as under :-

6. Additionally, the animals have been seized and it is reported that the animals have been relocated as required by law. The prosecution's apprehension about evidence tampering and witness influence can be addressed by imposing appropriate conditions. In these circumstances, this Court is inclined to exercise its discretion in favour

of the applicant. Hence, the following order:
[Emphasis supplied]

11. This case is of no help to the present proceedings as in the present proceedings, the wild boar has been killed.

12. In case of *Jineesh James* (supra), in paragraph (3) it has been mentioned that from getting information, the Forest Range officer conducted a search in the house of the petitioner and found cooked meat which was allegedly procured by the petitioner by killing a wild animal. It is further stated in paragraph (4) that the petitioner has been falsely implicated. He is an auto rickshaw driver and he is the only person to take care of his family consists of his wife who is a cancer patient undergoing treatment at Malabar Cancer Centre, medical certificate to that effect has been produced. Based on this kind of fact, the Court granted protection by way of an anticipatory bail to the petitioner therein.

13. I am not bound by the order passed by the Single Judge of the Kerala High Court. In any case, the facts are quite different from the facts in the present case. The Hon'ble Supreme Court in ***Sumitha Pradeep vs. Arun Kumar C.K. & Anr., (2022) 17 SCC 391*** and more particularly paragraph 12 has recorded as under :-

12. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.

[Emphasis supplied]

14. Illegal hunting for commercial gain is not merely an offence against wildlife but a crime against ecological justice, warranting strict scrutiny or investigating under the law.

15. After going through the FIR and the documents on record, considering the arguments of both the sides, I am of the view that the applicant who has been charged with an offence for killing wild boar, parts of the wild boar are found in his house. The applicant has not disclosed the names of other accused. In such a situation, the applicant's interrogation will be necessary.

16. Hence, there is no merit in the present **anticipatory bail application and the same is dismissed.**

[RAJESH S. PATIL, J.]