



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

CRIMINAL APPLICATION (BA) NO.686/2025

Lalneisung Laltlanthang Hmar

..VS..

State of Maharashtra, thr.Forest Office Rajura, Taluka Rajura, District
Chandrapur

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

Court's or Judge's Order

Shri S.V.Sirpurkar, Counsel for the Applicant.

Mrs.M.A.Barabde, Additional Public Prosecutor for the State.

CORAM : URMILA JOSHI-PHALKE, J.

CLOSED ON : 12/08/2025

PRONOUNCED ON : 03/09/2025

1. By this application under Section 483 of the BNSS, the applicant seeks regular bail in connection with POR No.08893/222322 registered with the non-applicant/police station for offences under Sections 2, 9, 31, 50, and 51 of the Wild Life Protection Act, 1972.

2. The applicant came to be arrested on 31.1.2025 and since then he is in jail.

3. The crime is registered on the basis of

complaint by the Sub Divisional Officer, Forest Department. As per his complaint, on 25.1.2025, the Cyber Cell of the Melghat Tiger Reserve received Credible Intelligence Inputs regarding the presence of a Group of Bahellas – a Community traditionally associated with hunting suspected to be involved in illegal wildlife poaching activities. These individuals were reportedly operating in the forest areas near Rajura and were believed to have links with the Katni Region of Madhya Pradesh. On the basis of the said information, the forest authorities were patrolling in the said region. During the patrolling, Beat Guard Maroti Annaji Chapale of Chunala Beat, Rajura Range came across an unidentified individual within the forest premises. During enquiry with him, he disclosed his identity as Ajeet Siyalal Pardhi, a native of Nittara Village, Rithi Taluka, Katni District, Madhya Pradesh. A search conducted by the forest officials at a tent site in Chunala Village, Rajura Taluka, Chandrapur District, led to recovery of weapons typically used for

hunting tigers and tools for de-skinning and other incriminating articles. Some of the persons managed to flee away from the site, but several were apprehended and brought to the Range Office for preliminary interrogation. During the investigation, it revealed that the said persons were Professional Wildlife Poachers. One of accused persons Ajeet Pardhi was identified as habitual wildlife offender and illegal trader in animal articles and several cases are pending against him. During interrogation, said accused Ajeet Pardhi confessed his involvement in tiger hunting within Rajura Range. It further revealed that *modus operandi* adopted by the gang after killing the tigers, the group would de-skin, bury the bones and meat in concealed pits, and accelerate decomposition using edible salt. The cured tiger skins would then be air-dried and subjected to a primitive tanning process inside their tents or hutments. Thereafter, the trophies would be transported initially to Assam and subsequently to Shillong and handed over

them to the present applicant who belongs to Shillong and investigation papers reveal that he received money through NEFT and/or in cash. On the basis of the said investigation, the crime was registered against the applicant and he was arrested on 30.1.2025.

4. Heard learned counsel Shri S.V.Sirpurkar for the applicant and learned Additional Public Prosecutor Mrs.M.A.Barabde for the State.

5. Learned counsel for the applicant submitted that as far as involvement of the applicant is concerned, the same is merely on the basis of statement of co-accused which is not admissible. The confession recorded of the accused is not voluntary confession and, therefore, it cannot be acted upon. Nothing is seized from the applicant.

He further raised a ground that grounds of arrest are not communicated to the applicant or his relatives and, therefore, there is non-compliance and

violation of Article 22(1) of the Constitution of India. The investigation is already completed and chargesheet is already filed. Further incarceration of the applicant is not required. He has submitted written submissions, which are taken into consideration.

6. In support of his contentions, learned counsel for the applicant placed reliance on following decisions:

1. Vihaan Kumar vs. State of Haryana and anr, reported in (2025)5 SCC 799, and

2. Criminal Revision Application No.174/2016 (Yogesh @ Yograj S/o. Sakharam Kumbhare vs. State of Maharashtra, through Range Forest Officer, Sakoli, District Bhandara) decided by this court on 5.10.2023.

7. *Per contra*, learned APP submitted that during the investigation, connection between the applicant and co-accused Ajeet Pardhi was revealed. The applicant has transferred the amount in the account of co-accused Ajeet Pardhi in the Bank of Baroda, which reveals from the bank statement. During the investigation, CDRs are also

collected which show that the applicant is in contact with other accused and it further show that the applicant has visited Guwahati from Shillong for receiving the material from the co-accused. The statements of the applicant and co-accused Ning San Lun and her husband Kaplian Mung were recorded under Section 50(8)(D) of the Wildlife Protection Act, which are admissible, from which it reveals that involvement of the applicant is in selling tiger skin, bones, teeth to Ning San Lun. The investigation further shows that co-accused Ning San Lun has visited the house of the applicant whereat he stored tiger skin, bones, and teeth. The applicant has also transferred some amount to co-accused Ajeet Pardhi and his associates. Thus, involvement of the applicant revealed during the investigation. His involvement is also revealed in illegal trade of body parts of the tigers. In view of the *prima facie* material available, the application deserves to be rejected.

8. After hearing both the sides and perusing

investigation papers collected during the investigation, it reveals that co-accused Ajeet Pardhi was revealed to be involved in poaching of tigers and, therefore, he was arrested. During the investigation, the interrogation was carried out and the names of the applicant and other co-accused are revealed. Therefore, their statements are recorded under Section 50(8)(D) of the said Act by the Sub Divisional Officer, Forest Department, which is in the nature of confessional statements. Besides the confessional statements, the statements accounts of co-accused Ajeet Pardhi and the applicant were collected and it was revealed that the applicant received cash amount and transferred the amounts to co-accused Ajeet Pardhi. Thus, there were monetary transactions between them. The statements of accounts show that time to time huge amounts are withdrawn by the applicant. The statements of account further show that huge amounts are received by the applicant in his account time to time. There are entries in the statements of accounts showing transfer of

amounts in the account of co-accused.

9. Thus, the connection between the applicant and other co-accused reveals from the investigation papers. The statements of the applicant and co-accused Ning San Lun and her husband Kaplian Mung were recorded under Section 50(8)(D) of the Wildlife Protection Act.

10. Thus, material collected during the investigation show involvement of the applicant in the alleged offence.

11. The investigating agency placed reliance on confessional statements of the applicant and the co-accused.

12. An important aspect, as regards admissibility and proof of confessional statements of applicants, on which the prosecution placed reliance, shows that confessional statements made before competent officers. As provided under Section 50(8) of the said Act, which is

admissible in evidence, in view of the provision of Sub section 9 of Section 50 of the Act, the said provision is an exception to the general Rule.

13. It is well settled law that confession made by accused during custody under Section 50(8) of the said Act, must be voluntary and truthful.

14. Only fact needs to be seen is, whether confessional statement is voluntary or not. A confessional statement is said to be voluntary if it is not caused by threat, inducement, torture or pressure. Before recording confessional statements, concerned officer is required to make an enquiry to ascertain whether the accused is under pressure, threat or inducement and why accused intends to make confession. The officer is required to give an understanding that he is not bound to make confession and despite such a warning, if he makes a confession, it could be used as an evidence against him in trial. The competent officer, before recording confession, is required

on satisfying himself/herself that accused has made up his mind to confess crime committed by him/her.

15. The co-ordinate bench, in **Criminal Revision Application No.174/2016 (Yogesh @ Yograj s/o Sakharam Kumbhare and ors vs. State)** decided on 5.10.2023 held that statement recorded by the forest officers fall in the category of extra judicial confession and the same is admissible in evidence, provided the same is made voluntarily and there is other evidence to corroborate facts disclosed in the confession.

16. In the backdrop of the above well settled provisions, it is to be borne in mind that the said Act has its object. The provisions under the said Act need to be borne in mind.

17. The confessional statement of co-accused Ajeet Pardhi shows that during the interrogation, he made voluntary statement though he was informed that the said statement can be used against him and he can be

punished on the basis of the statement. He disclosed his desire to make statement.

18. From the said statement, involvement of the applicant is revealed in trading of body parts of the tigers. It further revealed that the said co-accused was receiving amounts from the applicant after trading of the said body parts of the tigers.

19. The statement of the applicant was also recorded to whom also understanding was given that the statement can be used against him. Thereafter, he disclosed his desire to make voluntary statement. From his statement, it reveals that he was acquainted with co-accused Ajeet Pardhi and Mrs.Ning San Lun. The statement further reveals that after retirement, he was looking for alternate source of income and he took a vehicle loan to buy a truck. He is suffering from financial crisis. He came in contact with his friend Johny and on the say of his friend, he entered into trading of tigers' skin

and bones. He was informed that some persons including woman and children are involved in selling skin and bones and they are looking for prospective buyers. He agreed to do the said work and, therefore, his friend introduced him to Rajkumar. Said Rajkumar visited place near Kamakhya Railway Station where the party met them and showed skin and bones of tigers. He communicated with several persons for purchasing tigers' parts. He came in contact with Mrs.Ning San Lun who visited his house to whom he has shown consignment of tigers' parts and she agreed to buy the same for Rs.7.00 lacs. Thus, he came in profession of trading of tigers' body parts. He received two more tiger sets from Rajkumar in 2019 and the same was resold by him to co-accused Mrs.Ning San Lun. His statement further reveals that subsequently he came in contact with the co-accused Ajeet Pardhi and others and he received tigers' body parts from them and he paid transaction amount to them by transferring the said amounts. His statements disclosed that he had

received several calls from Chandrapur and he traded upto 40-50 tigers in last 5-6 years.

20. Thus, the statement of the applicant discloses involvement of the applicant in the alleged crime of trading of the tigers' body parts. As far as involvement of the applicant in trading is concerned, sufficient material is brought on record by the investigating agency.

21. The chargesheet shows that a specific role is played by the applicant. The statements of applicants and co-accused are voluntary and recorded after following due process of law. The crimes of killing the wild animals are committed for economic/financial gains. The statement of account of the applicant discloses that huge amounts are received by him in his account.

22. As far as his statement is concerned, the same shows that initially he was serving in the Indian Army in Assam Regiment from 1993-2015 and retired early as Hawaldar due to medical reasons. If the account

statement of the applicant is considered, the balance amounts shown in his account are in crores. The balance amount in his account on 30.11.2024 was of Rs.13,70,00,603.92. Admittedly, nothing is on record to show that he has other sources of income to have such a huge amount in his account. His statement itself shows that he has looking for the alternative source of income. There is no explanation as to the huge amount in his account though he retired as Hawaldar from the Indian Army.

23. Another ground raised in the applicant is that, the grounds of arrest are not communicated to him. Admittedly, after the applicant was arrested, he was represented by a Lawyer before the court when he was firstly produced. He has not demonstrated as to how prejudice is caused to him by non-communication of grounds of arrest.

24. The said aspect is recently considered by the

Hon'ble Apex Court in the case of **Criminal Appeal Nos.3528-3534/2025 (State of Karnataka vs. Sri Darshan Etc.)** decided 14.8.2025 and held as under:

“20.1.2. Article 22(1) of the Constitution mandates that “no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice”. Similarly, Section 50(1) Cr.P.C. requires that “every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.

20.1.3. The constitutional and statutory framework thus mandates that the arrested person must be informed of the grounds of arrest – but neither provision prescribes a specific form or insists upon written communication in every case. Judicial precedents have clarified that substantial compliance with these requirements is sufficient, unless demonstrable prejudice is shown.

20.1.4. In **Vihaan Kumar v. State of Haryana**, it was reiterated that Article 22(1) is satisfied if the accused is made aware of the arrest grounds in substance, even if not conveyed in writing. Similarly, in **Kasireddy Upender Reddy vs. State of Andhra Pradesh**, it was observed that when

arrest is made pursuant a warrant, reading out the warrant amounts to sufficient compliance. Both these post- Pankaj Bansal decisions clarify that written, individualised grounds are not an inflexible requirement in all circumstances.

20.1.5. While Section 50 Cr.P.C is mandatory, the consistent judicial approach has been to adopt a prejudice-oriented test when examining alleged procedural lapses. The mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice or denial of a fair opportunity to defend.

20.1.7. In the present case, the arrest memos and remand records clearly reflect that the respondents were aware of the reasons for their arrest. They were legally represented from the outset and applied for bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail. As reiterated above, the High Court treated it as a determinative factor while overlooking the gravity of the charge under Section 302 IPC and the existence of a prima facie case. Its reliance on **Pankaj Bansal and Prabir Purkayastha** is misplaced, as those decisions turned on materially different facts and statutory contexts. The approach adopted here is inconsistent with the settled principle

that procedural lapses in furnishing grounds of arrest, absent prejudice, do not ipso facto render custody illegal or entitle the accused to bail.

25. The Hon'ble Apex Court in the case of **Vihan Kumar vs. State of Haryana and anr, Special Leave Petition (Cri.) No.13320/2024 decided on 7.2.2025**, by referring its earlier decisions in the cases of **Pankaj Bansal vs. Union of India and ors, reported in 2023 SCC OnLine SC 1244** and **Prabir Purkayastha vs. State (NCT of Delhi), reported in (2024)8 SCC 254** culled out following conclusions:

a) The requirement of informing a person arrested of grounds of arrest is a mandatory requirement of Article 22(1);

b) The information of the grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the basic facts constituting the grounds is imparted and communicated to the arrested person effectively in the language which he understands. The

mode and method of communication must be such that the object of the constitutional safeguard is achieved;

c) When arrested accused alleges non-compliance with the requirements of Article 22(1), the burden will always be on the Investigating Officer/Agency to prove compliance with the requirements of Article 22(1);

d) Non-compliance with Article 22(1) will be a violation of the fundamental rights of the accused guaranteed by the said Article. Moreover, it will amount to a violation of the right to personal liberty guaranteed by Article 21 of the Constitution. Therefore, non-compliance with the requirements of Article 22(1) vitiates the arrest of the accused. Hence, further orders passed by a criminal court of remand are also

vitiated. Needless to add that it will not vitiate the investigation, charge sheet and trial. But, at the same time, filing of chargesheet will not validate a breach of constitutional mandate under Article 22(1);

e) When an arrested person is produced before a Judicial Magistrate for remand, it is the duty of the Magistrate to ascertain whether compliance with Article 22(1) and other mandatory safeguards has been made; and

f) When a violation of Article 22(1) is established, it is the duty of the court to forthwith order the release of the accused. That will be a ground to grant bail even if statutory restrictions on the grant of bail exist. The statutory restrictions do not affect the power of the court to grant bail when the violation of Articles 21 and 22 of the Constitution is

established.

26. Considering the *prima facie* material against the applicant, the application deserves to be rejected and the same is **rejected**.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!