



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

CRIMINAL APPLICATION (BA) NO. 1112/2025

Nandu s/o. Shankar Bhalavi Vs. State of Maharashtra

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

Court's or Judge's orders

Mr. R. M. Patwardhan, Advocate for the Applicant.

Mr. D. V. Chauhan, Sr. Advocate/P.P. with Mr. C. A. Lokhande,
A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 01/12/2025.

. Heard.

2. The applicant is arrested in Forest Crime No.04963/124064/1 for the offences punishable under Sections 9, 42, 44, 48(a), 49(b) read with Section 51 of the Wild Life (Protection) Act, 1972.

3. It is the case of the prosecution that during the investigation in case of death of Tiger, one of the accused has given the statement against this applicant - Nandu Bhalavi and other co-accused namely Uttam Meshram, and Kishor Bhalavi that they indulged in hunting of wild animal and used to sell the mutton of the wild animal and used to distribute the amount within themselves and all of them were involved in the said crime. The statement was given by the accused No.1 that they used to hunt the wild animal by putting the electric wire and, thereafter, they took the said wild animal in the house of the applicant and prepare the meat and eat it and sell it by calling the interested persons from his mobile. On the statement made by the co-accused, the crime is registered. The applicant is in jail since then.

4. The learned Counsel for the applicant has stated that no offence is made out against this applicant. There are no allegations that this applicant has hunted the wild animal. The statement made against this applicant that other co-accused ate the meat in the house of the applicant, do not constitute a crime against the applicant. The co-accused has mentioned the name of this applicant and the crime is registered. In the First Information Report, his name is not there. Even *prima facie*, on perusal of the contents of the statement made by the co-accused, no offence is made out against this applicant. Hence, prayed to release the applicant on bail.

5. Mr. D. V. Chauhan, the learned Senior Counsel/ Public Prosecutor has opposed the application stating that the offence is registered on the basis of the statement made by the co-accused. In this case, the offence is not registered by the Police Officer. The crime was investigated by the Range Forest Officer, who is not the Police Officer, therefore, the statement made in presence of the Range Officer is admissible. As per Section 50 of the Wild Life (Protection) Act, 1972, the statement by the co-accused is admissible. The Act of the applicant is stated by the co-accused. It proves the involvement of the applicant in the crime in question and considering the judgment of this Court in **Criminal Application No.99/2014** [*State of Maharashtra (Forest Department) Vs. Shri Suraj Pal s/o. Jagmohan @ Chhacha*], wherein this Court has observed in para No.15 as under :

“15. Of course, learned counsel for the non-applicant would question consideration of the

confessional statements of the other co-accused on the ground that in criminal law confessional statements of the co-accused are irrelevant for reaching any conclusion about involvement of the other accused persons in the crime alleged against them. This may be true in case of other offences wherein confessional statements are made by the co-accused before a Police Officer investigating the case. But, once it is found by following a consistent view that the Range Forest Officer is not a Police Officer, a confession made before the Range Forest Officer would not be a confession under Section 25 of the Evidence Act and would at best be akin to an admission or former statement of a witness suggesting an inference as to a fact in issue or relevant fact and, therefore, it can be read as a statement against the co-accused, as long as it discloses a relevant fact. Thus, even the confessional statements of the co-accused in a crime like the present can be considered and, therefore, I find no substance in the said argument of learned counsel for the non-applicant.”

Hence, prayed to reject the application.

6. Heard the learned Counsel for the applicant and the learned Public Prosecutor for the State.

7. The co-accused has given the statement and mentioned the role played by this applicant. He has stated that they used to take the meat of the wild animal at the house of this applicant and they used to eat it. Thereafter, they called the interested person from the mobile of this applicant who are ready to purchase the meat and sell it. He has mentioned the names of all the accused persons. Though the specific allegation of hunting is not there, this is a group activity, all of them are indulged in said crime. The specific role is mentioned by the co-accused.

8. Considering the specific role played by this applicant, this is not a case to release the applicant on bail. Hence, the application is rejected.

(MRS. VRUSHALI V. JOSHI, J.)

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