

**Criminal Bail Application No.1283/2022**

*CNR No. MHNS010054172022*

*[John Sunil Lokhande V s. State]*

**Order below Exh.1.**

This is application for regular bail U/s. 439 of Cr.P.C. in Cr.No.WL-17/2022-23 of Gangapur P. S., for offences punishable under Sections 2, 9, 39 and 51 of Wildlife Protection Act 1972.

2. Bail application is filed on the ground that the applicant is innocent and has been falsely implicated in the case. That he has no involvement in the crime. He never killed any wild animal. He is taking education. The offences are not attracted to the crime. Nothing has been recovered or discovered at the instance of the applicant. He is resident of Nashik. He is ready to abide by terms imposed by court. He will co-operate with investigation machinery. He will not pressurize witnesses. On these main grounds and others have prayed for bail.

3. Notice was issued to State. State appeared through Ld. APP Mr. Kotwal and filed say resisting for grant of application on the grounds that the applicant given skin of leopard to the accused to sell. Investigation is to be done with respect from where applicant obtained skin and other organs of leopard. There is a possibility that he is having organs of other wild animals. Investigation is in progress. On these main grounds and others have prayed for rejection of bail application.

4. Heard Ld. Advocate Mr.Bhat for applicant. Perused bail application. Heard Ld. APP Mr.Kotwal. Perused police papers and

say filed by Gangapur police station.

5. On perusal of F.I.R. as well as case papers, it is apparent that, applicant is found in possession of the skin of leopard with intention to sell it and it is described in Part I of Schedule I of the Wildlife (Protection) Act. Section 9 of it prohibits hunting, and proviso I to Section 51 of it provides punishment of not less than three years and extending to seven years with fine in case a person found to have contravened the provision of the Act, and commission of an offence in relation to any animal specified in Schedule I or animal article. It is to be noted that, the co-accused were found in possession of the skin of leopard in a jogging track of Krishi Nagar, Nashik.

6. The accused is in jail since 20.09.2022. Now investigation is practically completed. The report filed by Forest Officer does not show any criminal antecedents. The applicant is in his youth as he is 27 years of old. The offence is not punishable with imprisonment for life or death. On certain terms and conditions, discretion may exercise in favour of the applicant. Hence, I pass following order.

### **ORDER**

- (1). Application is allowed.
- (2). The applicant John Sunil Lokhande be released on bail in Cr.No.WL-17/2022-23 of Gangapur P. S., for offences punishable under Sections 2, 9, 39 and 51 of Wildlife Protection Act 1972 on furnishing a PR and SB of Rs.15,000/- with one surety of like amount on following conditions.

- (a). He shall attend Gangapur Police Station as and when called by Investigating Officer/Forest Officer, till filing of the charge sheet,
  - (b). He should furnish two documents about his identity proof and two documents in respect of identity proof of his relatives.
  - (c). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing such facts to the Court or to any police officer.
  - (d). Violation of any of the above mentioned condition, would result in cancellation of bail.
- (3). Inform concerned police station accordingly.
  - (4). Bail before JMFC Court

Nashik.

( V. P. Desai)

Date : 19/10/2022

Additional Sessions Judge, Nashik.