

Criminal Bail Application No.1225/2022

CNR No. MHNS010052992022

[Siddhant Manoj Patil etc. 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 applicants are innocent and have been falsely implicated in the case. That they have no involvement in the crime. They have never killed any wild animal. They are taking education. The offences are not attracted to the crime. Nothing has been recovered or discovered at the instance of the applicants. They are residents of Nashik. They are ready to abide by terms imposed by court. They will co-operate with investigation machinery. They 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 John Sunil Lokhande given skin of leopard to the accused to sell. Investigation is to be done with respect from where John obtained skin and other organs of leopard. There is a possibility that John 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 B.G.Gore for applicants. 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, applicants are 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 applicants found in possession of the skin of leopard in a jogging track of Krishi Nagar, Nashik.

6. The accused are in jail since 20.09.2022. Now investigation is practically completed. The report filed by Forest Officer does not show any criminal antecedents. The applicants are in their youth as they are 21 and 19 years of old respectively. 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 no.1 Siddhant Manoj Patil and applicant no.2 Rohit Eknath Avhad 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/- each with one or more surety of like amount on following conditions.

- (a). They shall attend Gangapur Police Station as and when called by Investigating Officer/Forest Officer, till filing of the charge sheet,
 - (b). They should furnish two documents about his identity proof and two documents in respect of identity proof of his relatives.
 - (c). They 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 : 13/10/2022

Additional Sessions Judge, Nashik.