

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 29th OF JULY, 2024

MISC. CRIMINAL CASE No. 26937 of 2024

SUNIL KHANDATE AND OTHERS

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Hemendra Singh Thakur - Advocate for the applicants.

Shri A.R. Ben - Dy. Government Advocate for the respondent/State.

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ORDER

This is fourth bail application filed by the applicants under Section 439 of Cr.P.C. for grant of regular bail relating to POR No.237/09 dated 07.08.2023 registered at State Tiger Strike Force, Jabalpur for commission of offences punishable under Sections 2(16), (36) r/w Sections 9, 39, 44, 48(A), 49(B), 51, 52 and 57 of Wild Life Protection Act, 1972 (Amendment) 2022. The applicants are in detention since 08/08/2023 and 09.08.2023.

2. As per the prosecution story on 07.08.2023, on the basis of information received from the informer, State Tiger Strike Force, M.P. encircled three persons near Amba Mai Waiting Room at Seoni-Katangi Road, State Highway No.54, out of them only one person could be apprehended. He introduced himself as Sunil Khandate R/o village Dondiwada, Tehsil Barghat, District Seoni. He was having one nylon bag. In search of bag, from his possession 49 bones, 14 nails, 31 mustache hairs of the tiger were seized. In interrogation, he informed that he along with co-accused

Devendra and Shiv Prasad had hunted tiger by installing electric wires and connecting the same for electricity. On the basis of disclosure memo by him, carcass of the deceased tiger was seized. Nine pieces of GI pipe wires were also seized. The seized items were sent for DNA examination and as per DNA examination report, the aforesaid seized articles are of female tiger.

3. Learned counsel for the applicant has submitted that the applicants have not committed any offence. They are innocent. They have been falsely implicated. Nothing was seized from their possession. Seizure was not made before any independent witness. It is also the contention of learned counsel for applicants that all witnesses are from Forest Department and they were members of State Tiger Strike Force. Hence, in absence of independent witnesses, story as put forth cannot be believed. Therefore, it is prayed that applicants may be released on bail.

4. On the other hand, learned counsel for the State has opposed grant of bail.

5. I have gone through the case diary and material available on it. The wild animal which has been hunted is of Schedule-I under the Wild Life Protection Act. The hunting of wild animal like tiger in a planned manner cannot be treated as a normal offence as same poses threat to nature and forests. Therefore, considering all the facts and circumstances of the case, but without expressing any opinion on the merits of the case, I am of the view that it is not a fit case for grant of bail. Consequently, this fourth bail application under Section 439 of Cr.P.C. filed by applicant stands **dismissed**.

6. However, it cannot be overlooked that applicants are in jail for last

almost 11 months and some days, therefore, the trial Court is directed to conclude the trial expeditiously as early as possible preferably within a period of six months from today.

7. Registry is directed to transmit a copy of this order to learned Judicial Magistrate First Class, Jabalpur seized with the matter.

(DINESH KUMAR PALIWAL)
JUDGE

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