


MHNG090020262025 	State of Maharashtra Vs. Pandhari Ukandrao Kumbhare and Ors.
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COMMON ORDER BELOW EXH.31 AND 32

1. Accused nos.1 to 6 has filed the applications for releasing them on bail under section 480(6) of the Bhartiya Nagarik Suraksha Sanhita, 2023. Accused are alleged to have committed an offence punishable under Section 9, 42, 44, 48 (a), 49B read with section 51 of the Wildlife (Protection) Act, 1972.

2. The applicants contended that the trial has commenced on 17.06.2025. The trial is yet to be concluded. They are behind bars for last nine months. They are not responsible to cause any delay in the trial. They belong to respectable family having roots in the society. There is no possibility of the accused absconding. The trial has not concluded within 60 days, hence the applicants deserves to be released on bail as provided under section 480(6) of the Bhartiya Nagarik Suraksha Sanhita, 2023. They are ready to abide by the terms and conditions imposed by the Court. Hence, they prayed that the bail application be granted.

3. On the contrary, learned A.P.P. filed say at Exh.36 and contended that, there is *prima facie* case against the accused. The offence is serious in nature. Mere non conclusion of trial within two months is not sufficient ground for releasing accused on bail. Section 480(6) of the Bhartiya Nagarik Suraksha Sanhita, 2023 is not mandatory in nature. There is possibility of absconding of the accused. They will commit

similar type of offences. Hence, he prayed to reject the application.

4. Heard learned A.PP and learned advocate for the accused. The learned A.PP has relied on **Jigar Maryurbhai Shah Vs.State of Gujarat [2009 ALL MR (Cri) Journal 41]** wherein the Hon'ble Gujarat High Court has held that it is not obligatory to release accused on bail after sixty days and looking to the gravity of offence, Court may refuse to enlarge accused on bail.

5. The learned advocate for the accused has relied on **Subhelal Alias Sushil Sahu Vs. State of Chhattisgarh [(2025) 5 Supreme Court Cases 140]** wherein the Hon'ble Supreme Court has held that section 437(6) of the Criminal Procedure Code is incorporated to recognize right of an accused for speedy trial with a view to protect individual liberty. However, the legislature has tried to strike a balance by allowing the Magistrate to refuse bail by assigning reasons.

6. Perused the ratios of the case-laws and the proceedings. As per the ratios of case-laws, Subhelal (*supra*) and Jigar (*supra*), Section 480 (6) of the Bhartiya Nagarik Suraksha Sanhita, 2023 provides discretion to the Court while deciding the bail application.

7. As per Section 50 of the Wild Life (Protection) Act, 1972, the statement by the co-accused is admissible. The statements of the accused recorded under section 50 of the Wild Life (Protection) Act, 1972 *prima facie* shows that accused nos.1 to 6 are skilled hunters. The recovery of articles of hunting was made from the residential places of the accused. They did not provide any information regarding absconding accused nos. 7 to 9 even when the absconding accused stayed at their residential place and are well known to them. The alleged crime is committed with

common intention and in organized manner. Accused live in remote places and have admitted in the statement about hunting wildlife. Even when accused no.7 is local resident, he is not traced. There is possibility that accused nos.1 to 6 will abscond with the absconding accused. If they are released on bail, there is possibility that their presence cannot be secured without delay. The trial is in progress. It can be concluded without substantial period, in the present circumstances. Considering the above reasons, I do not think it fit to release accused nos.1 to 6 on bail. Accordingly, I pass the following order:

ORDER

The applications are rejected.

Place: Saoner,
Date : 18.12.2025

(S.M.Gade)
Judicial Magistrate First Class,
(Court No.3), Saoner.