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MCRC-50970-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 14th OF NOVEMBER, 2025

MISC. CRIMINAL CASE No. 50970 of 2025

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Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Dhara Singh Meena - Advocate for the applicant.

Shri Dinesh Savita - Public Prosecutor for the State.
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ORDER

This is the third application filed by the applicant under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 seeking enlargement on bail. The earlier applications of the applicant were dismissed on merits vide order dated 11.07.2025 and 01.09.2025. He has been arrested on 21.06.2025 in connection with Crime No. 795/2013, registered at Police Station Forest Department, Ghatigaon, District Gwalior, for offences punishable under Sections 26, 52 of the Indian Forest Act, 1927 and under Sections 9, 27, 50 and 51 of the Wildlife Protection Act, 1972.

As per the prosecution case, upon receipt of information regarding illegal hunting in Son Chidiya Sanctuary, Ghatigaon, forest staff conducted a search operation. The applicant was apprehended while fleeing on a motorcycle, and upon search, the head and four legs of a spotted deer (Chital) were recovered, along with burlap bags tied on the vehicle.



Learned counsel for the applicant submits that the present third bail application is based on a new ground, namely, the contradictory deposition of Keshav Prasad (PW-1), who has now been examined before the trial Court. It is submitted that PW-1 is a material witness, as the entire prosecution case regarding the alleged recovery and proceedings at the spot is based on his version. During his deposition, PW-1 has admitted in paragraph 7 of his statement that no expert report was ever placed before him which could establish that the meat allegedly seized by him was that of a Chital or a deer. He has further conceded that from the meat of any wild animal, it cannot be determined as to which particular wild species it belongs to, and that such determination can only be made through DNA analysis. PW-1 has also accepted that he did not see the applicant hunting, nor has any other person stated before him that the applicant was seen hunting. It is further submitted that in paragraph 10 of his deposition, PW-1 has stated that the documents prepared regarding the spot inspection were written in the range office. He has also admitted that no biological examination of the seized material was conducted. It is further submitted that the offences alleged against the applicant are not punishable with life imprisonment or death penalty, and the case is triable by the Court of the Judicial Magistrate First Class. The applicant is innocent and has been falsely implicated. In the event he is released on bail, there is no likelihood of his absconding or tampering with the prosecution witnesses. The trial is likely to take considerable time for its conclusion, and continued incarceration of the applicant is not justified. On these grounds, it is prayed that the applicant be



enlarged on bail.

Per contra, learned counsel for the State opposes the application and submits that the alleged contradictions in the deposition of PW-1 do not demolish the prosecution case at this stage. It is argued that PW-1's inability to confirm expert reports or biological examination is only a partial aspect, and the overall prosecution case is supported by the recovery proceedings, contemporaneous documents, and other material collected during investigation. The credibility or weight of such testimony can be evaluated only during final appreciation of evidence, and selective reliance on isolated statements cannot form a ground for bail.

It is further submitted that the offences alleged relate to illegal hunting and possession of protected wildlife material, which have serious implications for environmental conservation and public interest. The applicant's personal circumstances cannot outweigh the gravity of the allegations. It is contended that releasing the applicant at this stage may result in influencing or intimidating witnesses, particularly as several witnesses are yet to be examined. On these grounds, prayer is made for rejection of the bail application.

At this stage, it is relevant to notice that Section 51 of the Wildlife Protection Act, 1972 prescribes stringent punishment for contravention of Section 9 relating to hunting of wild animals specified in the Schedules. The proviso to Section 51 specifically provides that a person convicted of an offence relating to hunting of animals specified in Schedule I or Part II of Schedule II shall not be released on probation, and bail is subject to the



satisfaction of the Court that the accused is not guilty of such offence and is not likely to commit any further offence while on bail.

Heard learned counsel for the parties and perused the case diary as well as the material available on record.

The alleged contradictions in the testimony of PW-1 are not sufficient to constitute a material change in circumstances so as to warrant reconsideration of the applicant's bail at this stage. The evidence of a single witness, even assuming it contains certain admissions, cannot be seen in isolation. The prosecution case is not founded solely upon PW-1 but is supported by contemporaneous documents, seizure proceedings, and other material collected during investigation. The evidentiary value of the deposition of PW-1, including any inconsistencies, will be appreciated by the trial Court during the final adjudication and cannot be a decisive factor for granting bail at the interlocutory stage. This Court notes that the offences alleged relate to illegal hunting of a protected wildlife species, which has serious implications for wildlife preservation and ecological balance. Such offences affect public interest at large and must be dealt with sternly. The applicant's personal circumstances, though noted, cannot outweigh the nature and gravity of the allegations. Moreover, several prosecution witnesses are yet to be examined, and the possibility of the applicant influencing or pressurising witnesses cannot be ruled out if he is released on bail.

Having regard to the fact that the earlier bail applications have already been dismissed on merits, and no substantial change in circumstances has



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been demonstrated, this Court is of the view that no ground for grant of bail is made out. Accordingly, the present third application filed by the applicant stands **dismissed**.

(MILIND RAMESH PHADKE)
JUDGE

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