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MCRC-50364-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 4th OF NOVEMBER, 2025

MISC. CRIMINAL CASE No. 50364 of 2025

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Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Satendra Kumar Shrivastava - Advocate for the applicant.

Shri Samar Ghuraiya - Public Prosecutor for the State.
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ORDER

This is the first application under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 filed by the applicant seeking grant of anticipatory bail in connection with Crime No.6711 of 2023 registered Forest Department, Forest Range Seondha, District Datia for the offence punishable under Sections 2(31), 9, 49, 50 and 52 of the Wildlife (Protection) Act, 1972.

As per the case of the prosecution, on 12.09.2025, within the revenue area of Village Toda Pahad, situated in Beat Marsaini of Forest Range Sevda, members of the Kanjar community of the said village illegally hunted wild animals — a peacock and a hare — and kept their body parts in possession without any valid documents. On the basis of this incident, a First Information Report alleged crime was registered against the accused.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and there is no direct or cogent



evidence connecting him with the alleged offence of illegal hunting or possession of wildlife articles. The prosecution's case is founded merely on suspicion and presumption, without any substantial proof to establish the applicant's involvement. It is further submitted that the alleged recovery shown by the prosecution was made from an open and accessible place, which was not in the exclusive possession of the applicant. Therefore, the alleged seizure cannot be attributed specifically to him. The place from where the recovery was made could be accessed by anyone, which completely discredits the prosecution's version and makes the alleged recovery unreliable in law. It is further submitted that no independent witnesses were associated with the alleged recovery proceedings, which were carried out only in the presence of forest officials. The absence of independent witnesses casts serious doubt on the fairness and transparency of the proceedings. Moreover, the prosecution has not produced any forensic or expert evidence to establish that the seized articles were indeed parts of wild animals as alleged. In the absence of such verification, the prosecution story remains uncorroborated. It is also submitted that the investigation has substantially progressed, and the custodial interrogation of the applicant is no longer necessary. Keeping him in custody will serve no useful purpose and would only amount to undue hardship. The applicant is ready and willing to cooperate with the investigation and abide by all conditions that may be imposed by this Court. Accordingly, anticipatory bail is sought.

Per contra, learned Public Prosecutor for the State opposed the application and prayed for its rejection by contending that looking to the



nature and gravity of offence, no case for anticipatory bail is made out.

Considering the overall facts and circumstances of the case, as well as the fact that the material placed on record does not disclose the possibility of the applicant fleeing from justice, this Court is inclined to extend the benefit of anticipatory bail to the applicant. Accordingly, this Court, without commenting on the merits of the case, is of the opinion that the applicant deserves to be extended the benefit of anticipatory bail. Accordingly, this application is allowed. It is directed that in the event of arrest, the applicant shall be released on anticipatory bail upon furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount to the satisfaction of the Arresting Officer, subject to compliance of the following conditions by the applicant:-

i) The applicant will comply with all the terms and conditions of the bond executed by him;

ii) The applicant will cooperate in the investigation/trial, as the case may be;

iii) The applicant will not indulge herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to the Police Officer, as the case may be;

vi) The applicant will not seek unnecessary adjournments during the trial;

v) The applicant will not leave India without previous



4

MCRC-50364-2025

permission of the trial Court/Investigating Officer, as the case may be.

Copy of this order be sent to the trial Court concerned for compliance. Certified copy as per rules.

(MILIND RAMESH PHADKE)
JUDGE

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