

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2929 of 2015**

Domar Sethiya, S/o. Late Sunderlal, aged about 30 years, R/o. Village Korgaon, P.S. Vishrampuri Revenue and Civil District Kondagaon (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, through the Police Station Kanker, District North Bastar Kanker (C.G.)

---- Non-applicant

For Applicants:	Shri Arun Kochar, Advocate.
For Respondent/State:	Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**C A V Order****14/08/2015**

Heard.

(1) The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.395/2014 registered at Police Station Kanker, for the offences punishable under Sections 39, 44, 48(A), 49(B) & 51 of the Wild Life Protection Act.

(2) The applicant's first bail application was dismissed on merits by order of this Court dated 02/03/2015 passed in M.Cr.C. No.422/2015.

(3) Counsel for the applicant would submit that the applicant has been falsely implicated in the offence in question as he has not committed any offence. He further submits that one co-accused Rose Immanual has already been granted bail by this Court on 15.05.2015 in M.Cr.C. No.2084/2015 and, therefore, they may also be granted bail on the ground of parity.

(4) On the other hand, learned counsel for the State submits that from the possession of present applicant -Domar Sethiya one trophy of the tiger was seized. He, after verifying the records, would submit that present case is similar to that of accused person namely Rose Immanual, from whose possession one trophy of tiger was seized, has already been granted regular bail by this Court vide order dated 15.05.2015 in M.Cr.C. No. 2084/2015.

(5) Applicant's first bail application was dismissed on merits by order dated 02.03.2015 and thereafter on 12.03.2015 seizure witnesses namely Vidyadhar Suryavanshi (PW-1), Ramesh Netam (PW-2), Dorelal Sethiya (PW-3) & Ghanshyam (PW-4) have been examined and all the witnesses have been declared hostile and have not supported the case of the prosecution; in view of that second bail application has been entertained.

(6) Taking into consideration the facts & circumstances of the case; looking to the nature & gravity of the offences; and the testimonies of four prosecution material witnesses; applicants are in detention since 30.11.2014; no custodial interrogation is

required; and the trial having been commenced; considering their pre-trial detention ; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-