

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4020 of 2015**

1. Jogiram S/o Shri Ghasiram Aghariya R/o Village Tolge, Tah. & P.S. Lailunga, Distt. Raigarh, Chhattisgarh
2. Kansal S/o Jogiram Aghariya R/o Village- Tolge, Tah. & P.S. Lailunga, Distt. Raigarh, Chhattisgarh
3. Dhobi Kumar S/o Shri Borriram R/o Village- Tolge, Tah. & P.S. Lailunga, Distt. Raigarh, Civil And Revenue Distt. Raigarh, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through: Forest Ranger, Forest Range-
Lailunga, Distt. Raigarh, Chhattisgarh

---- Non-applicant

For Applicants:	Shri M.K. Sinha, Advocate.
For Non-applicant/State:	Shri Anupam Dubey, Deputy Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/08/2015**

Heard.

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. POR No.6615/2008 registered at Police Station – Lailunga, Distt. Raigarh for the offences punishable under Sections 9, 51, 1, 2 of the Wild Life (Protection) Act, 1972 (henceforth 'the Act')

(2) Case of the prosecution, in brief, is that applicant & other co-accused persons are said to have electrocuted the schedule animal namely elephant and, thereby, committed the aforesaid offences.

(3) Learned counsel appearing for the applicants would submit that applicants have been falsely implicated in the offence in question as they have not committed any offence; and the offence has been committed by Leeladhar, who is still absconding and, as such, the applicants are in detention since 02.07.2015 and the punishment prescribed for the said offence is three years under the Act and, therefore, the applicants may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; considering the role of the present applicants in the offence in question; and their pre-trial detention; substantial investigation has already been made; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them 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. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-