

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4526 of 2015**

Rajkumar Nagwanshi, S/o. Late Shri Manshram Nagwanshi, aged about 42 years, R/o Village-Ratava, Thana-Sihava, Tahsil-Nagri, Civil and Revenue Distt.-Dhamtari (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh Through: Station House Officer, Police Station Arjuni, Distt. Dhamtari (C.G.)

---- Respondent

For Applicant: Mr. Sunil Sahu, Advocate.
For Respondent/State: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.93/2015 registered at Police Station Arjuni, Distt. Dhamtari for the offences punishable under Sections 9, 52, 39, 44, 48, 49-B and 51 of Wild Life Protection Act.

(2) Case of the prosecution, in brief, is that co-accused Santram & Rajesh were found in possession of one trophy of leopard unauthorisedly and thereby committed the aforesaid offence.

(3) Learned counsel for the applicant submits that applicant has been falsely implicated in the offence in question as there is no evidence on record regarding hunting of leopard by the applicant except memorandum statement of Santram, which is absolutely vague and no date has been given in the said memorandum; and trophy of the leopard has been seized from the possession of co-accused Santram & Rajesh. He further submits that applicant is in jail since 10.05.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that co-accused Santram & Rajesh has named the applicant that he has hunted the leopard.

(5) Taking into consideration the facts & circumstances of the case; further considering the facts that trophy has not been seized from the possession of the applicant; applicant is in jail since 10.05.2015; charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) 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/-

