

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4549 of 2015

1. Prakar, S/o Shri Shaniram Tigga, aged about 24 years,
2. Bundhram, S/o Shri Mangal, aged about 48 years,
3. Maniram, S/o Shri Dasi, aged about 49 years,
4. Amilal, S/o Paunau, aged about 28 years,

All R/o Village Karranara, Bhakurra, Tah. & P.S. Lailunga, Distt. Raigarh,
Civil and Revenue Distt. Raigarh (CG)

---- Applicants

Versus

State of Chhattisgarh, through Forest Ranger, Forest Range Lailunga, Distt.
Raigarh (C.G.)

---- Non-applicant

ANDMisc. Criminal Case No.4557 of 2015

1. Punau, S/o Shri Mangla, aged about 55 years,
2. Shital, S/o Shri Sadhu, aged about 35 years,
3. Suklal, S/o Shri Mangal Uraon, aged about 52 years,
4. Sushil, S/o Naisai, aged about 30 years,

All R/o Village Ledarimauha, Bhakurra, Tah. & P.S. Lailunga, Distt. Raigarh,
Civil and Revenue Distt. Raigarh (CG)

---- Applicants

Versus

State of Chhattisgarh, through Forest Ranger, Forest Range Lailunga, Distt.
Raigarh (C.G.)

---- Non-applicant

For Applicants:	Mr. Manoj Kumar Sinha, Advocate.
For Non-applicant:	Mr. Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/10/2015

1. Since both the bail applications involve common question of law and fact, they are being disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with POR Nos.6738/2009 & 6738/2010, registered by the Forest Ranger, Lailunga, Distt. Raigarh, for the punishable under Sections 26 (1) (a), (b), (d), (f), (h) of the Indian Forest Act, 1927; 3 and 4 of the Prevention of Damage to Public Property Act, 1984.
3. Case of the prosecution, in brief, is that the applicants entered into the reserve forest and founding felling the trees and also damaged the reserve forest causing damage of Rs.29,46,680/- and thereby committed the offence punishable under the provisions of the Indian Forest Act, 1927 and the Prevention of Damage to Public Property Act, 1984.
4. Learned counsel for the applicants submits that the provisions of the Prevention of Damage to Public Property Act, 1984 are not attracted in the present case, the applicants have not committed any offence and they have been falsely implicated in the crime in question. He further submits that the applicants are valid patta holders of the forest, they are in jail since 11-8-2015 and charge-sheet has been filed.
5. On the other hand, learned State counsel opposes the bail applications and submits that trees to the extent of 12 acres land have been made to fall by the applicants illegally and thereby they have caused huge damage to the forest and also caused huge damage to the public property. He further submits that no such patta has been granted to the applicants.
6. I have heard learned counsel for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case and the manner in which applicant entered into the reserve forest and damaged the same by cutting trees and causing damage of Rs.29,46,680/- and taking note of their criminal antecedents; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge