

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7034 of 2015

1. Mahadev Usendi, aged about 34 years, S/o. Namsuram, By – Gond, R/o. Village-Meheda,
2. Anil Saay Bada, aged about 28 years, Dhansaya Bada, By Caste-Uranv, R/o. Village Chotebethiya,
Both Thana-Bande, Tahsil-Pakhanjore, District – U.B. Kanker (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : Police Station East Paralkot, Bande, District – U.B. Kanker (C.G.)

---- Respondent

For Applicants	: Mr. Parag Kotecha, Advocate
For Respondent/State	: Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. - Forest Crime No.3660/24, registered at Police Station – East Paralkot Bande, District – U.B. Kanker (C.G.) for the offence punishable under Section 9, 39 (A), 40, 44, 48 (A) (II) (IV), 49(A) (B), 51 (1-D), 56 Wild Life Protection Act, 1972 and Section 3, 4 of Money Laundering Act, 2002.
2. Case of the prosecution, in brief, is that on the information received that the applicants are keeping the trophy of the wild life for the purpose of sale and on surprise check to the house of the applicant No.2, they found applicant No.2 with his motorcycle and seized certain article from the house of the applicant No.2, like shoes, Kerosene, Motorcycle and thereby the offence was registered.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He would further submit that nothing has been seized from the applicant and only on the apprehension, the applicants were arrested and seizure was not made. He would further submit that the applicants are in jail since 06.11.2015, therefore, he prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have perused the case diary. Perusal of the case diary shows that seizure of some small skin of the animal was made. Taking into such facts and nature of seizure and further taking into the fact that the applicants are in jail since 06.11.2015, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge