

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2738 of 2015**

1. Budhram Poyam S/o Lakhamo Poyam Aged About 23 years R/o Bade Bodenar, Thana Bodenar, Distt. Jagdalpur (C.G.)
2. Sukhram Poyam S/o Budhram Poyam Aged About 30 Years R/o Kilepal, Thana Bodenar, Distt. Jagdalpur Bastar (C.G.)

---- Applicants

Versus

State Of Chhattisgarh, through Police Station Kanker (C.G.)

---- Non-applicant

For Applicants:	Shri Parag Kotecha, 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) This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested 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) Case of the prosecution is that the applicant No.1 was found in possessio of trophy of tiger whereas applicant No. 2 was found in possession of trophy of Leopard and thereby committed the aforsaid offences.

(3) Counsel for the applicants would submit that the applicants have been falsely implicated in the offence in question as they have 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, after verifying the records, would submit that present case is similar to that of accused person namely Rose Immanual, who has already been granted regular bail by this Court vide order dated 15.05.2015 in M.Cr.C. No. 2084/2015.

(5) Taking into consideration the facts & circumstances of the case; and considering the testimonies of four material prosecution witnesses namely Vidyadhar Suryavanshi (PW-1), Ramesh Netam (PW-2), Dorelal Sethiya (PW-3) & Ghanshyam (PW-4), who have been examined on 12.03.2015; they have been declared hostile and have not supported the case of the prosecution; 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/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/-