

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 3422 OF 2015**

1. Mohan Lal, S/o Pandu, aged about 42 years
 2. Jagdish S/o Santri, aged about 40 years,
- Both R/o Village Dhangaon, Police Station Pamgarh, Tahsil Pamgarh, Civil and Revenue District Janjgir-Champa (C.G.)

---Applicants

Versus

State of Chhattisgarh through Incharge Officer, Flying Scott, Bilaspur Forest Division, Bilaspur (C.G.)

---Non-applicant

For Applicants	:	Ms. Savita Tiwari, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy. Govt. Advocate and Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****06/08/2015**

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 P.O.R. No. 7458/25 (Criminal Case No. 5363/15), registered at Police Station Flying Scott, Bilaspur Forest Division, Bilaspur (C.G.), for the offence punishable under Sections 2, 39, 44, 50 & 51 of Wild Animal Protection Act, 1972 and Section 52 of Indian Forest Act, 1927.
2. Case of the prosecution, in brief, is that, present applicants along with two other co-accused persons hunted 27 birds of different species and thereby committed offence.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in offence in question. She would further submit that no custodial interrogation is required and no useful purpose would be served by keeping them in jail. She would lastly submit that charge sheet has been filed and applicants are in jail since 17/05/2015, therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants in offence in question and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is directed that applicants, namely, Mohan Lal and Jagdish, shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety 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/-
(Sanjay K. Agrawal)
JUDGE