

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4120 of 2015**

Harichandra Rathiya S/o. Shri Shridhar Rathiya, aged 35 years, R/o. Village Badpali, P.S. Chakaradharnagar, Tahsil Raigarh, Civil and Revenue District Raigarh (CG)

---Applicant

Versus

State of Chhattisgarh, Through –Range Officer of Forest, District Raigarh (CG)

---Non-applicant

For Applicant	:	Mr.Abhishekh Saraf, Advocate
For Non-applicant	:	Mr. Qamrul Aziz, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****19/08/2015**

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 applicant who has been arrested in connection with P.O.R. No.4765/08, registered at Range Officer of Forest District Raigarh (C.G.), for the offence punishable under Sections 9 and 51 of the Wild Life Protection Act, 1972.
2. Case of the prosecution, in brief, is that the applicant along with three accused persons is said to have haunted male bear, which is schedule II animal, in the intervening night of 6/7.7.2015 and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. He would further submit that the applicant is in jail since 10.7.2015 and charge-sheet is yet to be filed, therefore, he may be released on bail.
4. On the other hand, learned counsel for the State would oppose the

bail application.

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 applicant, his pre-trial detention and charge-sheet is yet to be filed, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be released on bail

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-