

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6603 of 2015

- Ghuran Sai, S/o Habal Sai, Aged About 47 Years, Kanwar By Caste, R/o Village Kunjara, Tah. Kunkuri, Civil & Rev. Distt. Jashpur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Ranger Forest Range Kunkuri, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. J.S. Baraik, Advocate
For the Respondent	:	Ms. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.12.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with P.O.R. No.8974/2016 registered by the Ranger, Forest Range, Kunkuri (C.G) for the offence punishable under Section 9/51 of the Wild Life (Protection) Act, 1972 read with Section 26(1)(h) of the Indian Forest Act.
2. According to the prosecution case, on 13.09.2015 an elephant was found dead in the forest area and on being inspected it was found that the applicant has fenced his kitchen guardian by GIA wire with live electricity, consequently the elephant came in contact with such live wire and died of electrocution.
3. Learned counsel for the applicant submits that according to the Panchnama, dead body of the elephant was found in the field of one Shiv Prasad Sai and not this applicant, therefore, virtually no evidence is available against this applicant. He further submits that the charge sheet in this case has been

filed and the applicant is in jail since 24.09.2015 and no further evidence is required to withhold the applicant during trial, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Having regard to the facts situation of the case and further taking into gravity of the offence and degree of allegations as also considering the facts that charge sheet has been filed and the evidence has already been collected by the prosecution and further looking the detention of the applicant that he is in jail since 24.09.2015 , I am inclined to release him on regular bail.
6. Accordingly, this application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court as and when directed by the said Court.
7. C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**