NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6730 of 2015

Shiv Prasad Yadav S/o Mukund Ram Aged About 46 Years Caste - Rawat, R/o Village- Kunjara, P.S. - Kunkuri, Tahsil - Kunkuri, Civil & Revenue Distt. Jashpur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through, Forest Range Officer, Forest Department, Kunkuri Distt. Jashpur Chhattisgarh

---- Respondent

For Applicant	:-	Smt. Indira Tripathi, Advocate
For Respondent/State	:-	Shri Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/12/2015

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 applicant who has been arrested in connection with Crime No./POR No. 8947/2016 (wrongly mentioned as 8974 in rejection order) registered at Police Station /Forest Range – Forest Range Officer, Forest Department Kunkuri District Jashpur (C.G.) for the offence punishable under Sections 9 of the Wild Life Protection Act 1972.

2. As per 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 present applicant alongwith co-accused Ghuran Sair have fenced the kitchen guardian by GIA wire with live electricity, consequently the elephant came in contract with such live wife and died of electrocution.

3. 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. He further submits that the other co-accused person namely Ghuran Sai has already been granted bail by this High Court in M.Cr.C. No. 6603 of 2015 on 02.12.2015 and the present applicant may also be entitled for bail on the ground of parity.

4. Per contra State counsel opposes the prayer for grant of bail.

5. Having regard to the fact that the applicant is in jail since 28.09.2015 and also the fact that the similarly placed co-accused persons have already been enlarged on bail by this court in M. Cr.C. No 6603 of 2015 on 02.12. 2015 , I am inclined to release the applicant on bail.

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

7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge

Santosh