

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C No. 5571 of 2015**

Kartikram Rathiya, S/o Bharri, aged about 60 years, R/o Badpali, Police Station Chakradhar Nagar, Tahsil & District Raigarh (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through – Range Officer, Forest Range, Bangurjiya, District: Raigarh (C.G.)

---- Non-applicant

For Applicants:	Shri Ashish Gupta, Advocate
For Respondent/State:	Shri SRJ Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board**13/10/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with P.O.R. No.4765/2008 registered at Range Officer of Forest, District Raigarh for the offences punishable under Sections 9 & 51 of 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 offences.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question. He would further submit that similarly situated co-accused persons namely Harichandra Rathiya has already been

granted bail by this Court vide order dated 19.08.2015 in M.Cr.C. No. 4120/2015, and the applicant is in jail since 10.07.2015 and, therefore, the present applicant may also be entitled for 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 persons, who has already been granted bail by this Court in M.Cr.C. No. 4120/2015.

(5) Taking into consideration the facts & circumstances of the case and the fact that similarly situated co-accused person have already been granted bail by this Court vide order dated 19.08.2015 passed in M.Cr.C. No. 4120/2015; applicant is in jail since 10.07.2015, this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his 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. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-