

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5724 of 2015

1. Punau Vishwakarma, S/o. Premulal Vishwakarma, aged about 35 years, R/o. Village – Charouda Bandh, Post Office and Police Station – Bhimkhoj, Tahsil – Bagbahara, District Mahasamund (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Assistant Range Officer, Range-Khallari, Bagbahara, Tahsil- Bagbahara, District Mahasamund (C.G.)

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2015

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 Forest Crime (P.O.R.) No.8656/2012, registered at Police Station – the Assistant Forest Range Officer, Range- Khallari, Bagbahara, Tahsil – Bagbahara, District Mahasamund (C.G.) for the offence punishable under Section 2(16) b, 9, 39, 1 (3), 49 (A) & 51 of the Wild Life Protection Act.
2. Case of the prosecution, in brief, is that the applicant alongwith other co-accused persons by using live electricity wire has hunted Bison by way of electrocution and thereafter on memorandum the seizure was made from the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case as the offence has been committed

by the other persons. He would submit that the charge sheet has already been filed and there is no further chance of tampering of evidence. Therefore, he prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perusal of the case diary prima-facie shows that by way of electrocution, three Bison died and initially case was registered and on investigation it was found that at the behest of the applicant, the offence has been committed. Perusal of the order sheet shows that the applicant was absconding from 10.06.2015 and only surrendered on 22.08.2015. Taking into fact that the applicant was absconding and while he was absconding, another anticipatory bail application was rejected. Considering the way the offence has been committed and taking into the fact that the applicant had absconded, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge