

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.430 of 2016**

1. Jyoti @ Jyotish (Wrongly mention as Jyoti in cause title of impugned order) S/o Fedrik aged about 33 yeras
2. Kishore S/o Bechan aged about 32 years
Both R/o village Parti P.S. Pasta District Balrampur-Ramanujganj (C.G.)

---Applicants**Versus**

State of Chhattisgarh through Rangeofficer Rajpur P.S.
Rajpur District Balrampur-Ramanujganj (C.G.)

---Non-applicant

For Applicants	:	Mr. Bhupendra Singh, Advocate
For Non-applicant	:	Mr. Suvigya Awasthy, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/02/2016**

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 applicants who have been arrested in connection with Forest Crime No. 270/13451/2015,

registered at Forest Range Rajpur Sub Range Basen P.S. Rajpur (C.G.), for the offence punishable under Sections 9,55 & 51 of Wild Life (Protection) Act, 1972.

2. Case of the prosecution, in brief, is that, applicants have allegedly hunted wild animal (Bear) specified in Schedule-I of the Wild Life (Protection) Act, 1972 and thereby committed aforesaid offence.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in the crime in question. He would further submit that they neither owned the land, in which, wild animal (Bear) was electrocuted by fencing wire nor they have sown the crop in the field, as such, they are not liable for such offence. He would lastly submit that applicants are in jail since 29/09/2015 and no useful purpose would be served by detaining them in jail, therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail.

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 applicants in offence in question and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

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

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE