

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2505 OF 2016

1. Mustafa Sheikh,
aged about 36 years, S/o Yashin Sheikh,
2. Alaudin Sheikh, aged about 32 years, S/o Yashin Sheikh

Both are by caste – Muslim, resident of village – Goatha, P.S. Suthi, District Mursibad (W.B.) at present village – Tara, Chouki, Tara, District Surajpur (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Police Chowki – Tara, Forest Range Officer, Ramanujnagar, District Surajpur (C.G.)

... Non-applicant

For Applicant	:	Mr. Sunil Tripathi, Advocate.
For Non-applicant/State	:	Mr. Adhiraj Surana, Dy. GA

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/06/2016

1. This is the first application filed under Section 439 of CrPC for grant of bail to Applicants, who have been arrested on 12.2.2016 in connection with Forest Crime No.12072/04 registered at Police Station Tara, District Surajpur, for the offence punishable under Section 102 IPC and Section 9/15 of Wild Life Protection Act, 1972 and Section 5/15 of C.G. Forest Product Business Exchange Act/C.G. Vanopaj Vyapar Vinimay Adhiniyam, 1969.
2. As per the prosecution, the present applicants were found in possession of 3 kgs of trophy and 2 kgs of bones of pangolin on 10.02.2016. According to the prosecution story, the present applicants are said to have purchased the said property from the local villagers with an intention to sell it in the open market to fetch huge prizes.

3. Counsel for the applicants further submits that the present applicants in any case have remained in jail for a period of about 4 months and the punishment, which could be imposed upon the present applicants, is either sentence or fine or both and, therefore, taking into consideration the period of custody, the present applicants may be enlarged on bail.

4. Counsel for the State opposes the application for grant of bail.

5. Considering the total facts and circumstances of the present case particularly the nature of offence and the act attributed to the applicants and also keeping in view the fact that they have already remained in jail for a period of about 4 months, this Court is of the view that it is a fit case where the Applicant can be released on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that in case the Applicants furnish a personal bond for a sum of **Rs. 20,000/-** each **with one surety** of the like amount to the satisfaction of the concerned Trial Court then they shall be released on bail on the following further conditions:-

(i) that the Applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(ii) that the Applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iii) that the Applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(P. Sam Koshy)
V. Judge