

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4081 of 2016

1. Maghu Ram S/o Chamar Singh Aged About 45 Years R/o Village Jhagarpur, Tahsil & P.S. Lailunga, District Raigarh Chhattisgarh
2. Manglu S/o Lalhu Ram Aged About 46 Years R/o Village Jhagarpur, Tahsil & P.S. Lailunga, District Raigarh Chhattisgarh.
3. Lodhu Ram S/o Deriha Aged About 44 Years R/o Village Jhagarpur, Tahsil & P.S. Lailunga, District Raigarh Chhattisgarh.

--- **Applicants**

Versus

State of Chhattisgarh through the Forest Range Officer, Forest Range -
Lailunga, Civil & Revenue District - Raigarh Chhattisgarh

--- **Respondent**

For the applicant	:	Mr. Manoj Jaiswal, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with POR No. 6748/2015 Crime No.35 of 2016 registered at P.S. Forest Range, Lailunga, Distt. Raigarh (C.G) for the offence punishable under Sections 51(1)(2) of the Wild Life Protection Act, 1972 and Section 2(16) & 9 of the Wild Life (Protection) Amendment Act, 2002.
2. As per the prosecution case, on 02.05.2016 the present applicants along-with other accused followed one deer in forest with their dogs and the deer was chased by the dogs and subsequently when it was exhausted, the applicants along-with other co-accused persons attacked the deer and killed it thereby the offence is committed.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the case and in fact hunting was done by the dogs, not by the applicants. They only went to forest to watch the scene of crime. He would further submit that the charge sheet in this case has been filed and the applicants are in jail since 02.05.2016

and no further investigation is necessary. It is also submitted that similarly placed co-accused Basant Kumar and Babulal have been granted bail by this Court in M.Cr.C.No. 3487/2016 on 11.07.2016, therefore, the present applicants may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, she do not dispute the fact that the other co-accused have been granted regular bail by this Court in M.Cr.C.No.3249/2016 & M.Cr.C.No. 3487/2016.
5. Perused the case diary and other documents.
6. Taking into consideration the facts and circumstances, nature of allegations levelled against the applicants and further considering the fact that the charge sheet in this case has been filed and the applicants are stated to be in jail since 02.05.2016 as also the fact that similarly placed co-accused have been directed to be released on bail by this Court in M.Cr.C.No.3249/2016 & M.Cr.C.No.3487/2016, I am inclined to release the present applicants also on bail.
7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE