

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3985 of 2016

1. Bholaram Sahu, S/o. Punitram Sahu, aged about 46 years,
2. Dayalu Dhruw, S/o. Sukul Dhruw, aged about 50 years,
3. Baital Yadav, S/o. Bhagwani Yadav, aged about 26 years,
4. Mannuram Dhruw, S/o. Gunuram Dhruw, aged about 23 years,
5. Deepak Sahani, S/o. Bhagwan Singh Sahani, aged about 18 years,
6. Birendra Sahu, S/o. Mohan Sahu, aged about 34 years,
7. Aarti Sahu, D/o. Heeralal Sahu, aged about 20 years,
8. Shankar Dhruw, S/o. Bahurram Dhruw, aged about 34 years

All R/o. Village-Sirrikala, Post Office & Police Station – Fingeshwar,
District – Gariyaband (C.G.)

---- Applicants

Versus

State Of Chhattisgarh, Through : Office of Forest Rang Officer,
Fingeshwar, Gariyaband, Forest Division Gariyaband, District –
Gariyaband, Chhattisgarh.

---- Respondent

For Applicants : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. Forest Crime (P.O.R.) No.6880/2009, registered at Police Station- Forest Range – The Forest Department, Office of Forest Range Officer, Range- Fingeshwar, Forest Division- Gariyaband, District Gariyaband (C.G.) for the offence punishable under Section 9, 50 & 51 of the Wild Life Protection Act, 1972.
2. Case of the prosecution, in brief, is that on 14.05.2016, some wild boar entered in to the village, which is chased by the villagers.

Subsequently, said wild boar died as it was ill. Thereafter, the applicants took away the dead boar and cooked it and eaten it.

3. Learned counsel for the applicant would submit that the applicants have not committed any offence and they have been falsely implicated in this case. It is further submitted that the said wild boar entered into the village and due to illness it died, therefore, no offence has been committed. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 24.05.2016, therefore, the counsel prays that the applicants may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing on behalf of the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case and degree of allegation leveled against the applicant and further considering the fact that the charge sheet has been filed and the applicants are in jail since 24.05.2016, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, both the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge