

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3929 of 2016

Chhote Singh, S/o. Santu Singh Gond, Aged About 35 Years, R/o. Village Sawru, P.S. Rengakhaar, Tahsil Bodla, District Kabirdham, Civil & Revenue District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Forest Range Officer, Jamunpani Bhoramdev Sanctuary Division Kawardha, District Kabirdham, Chhattisgarh.

---- Respondent

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MCRC No. 4179 of 2016

1. Sukkal, S/o. Sonau, Aged About 40 Years, Caste Baiga.
2. Hariram, S/o. Budhram, Aged About 27 Years, Caste Gond.
3. Rajaram, S/o. Phool Singh, Aged About 50 Years, Caste Baiga.
4. Anand Ram, S/o. Bareth, Aged About 27 Years, Caste Baiga.

All Occupation Labour, R/o. Sanwaru, Police Station Rengakhar, Tahsil Bodla, Civil & Revenue District Kabirdham, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Forest Conservative Officer, Jamunpani, Kawardha, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicants : Mr. Ajit Singh & Dharmesh Shrivastava,
Advocates

For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.08.2016

1. These are 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 P.O.R. No./ Forest Crime No. 7171/01, registered at Range Officer Jamunpani, Bhoramdev Sanctuary, Division Kawardha, District Kabirdham /

Forest Conservative Officer, Jamunpali, Kawardha, District Kabirdham (C.G.) for the offence punishable under Sections 9, 27, 29, 30, 31, 50 & 51 of the Wild Life Protection Act, 1972.

2. Case of the prosecution, in brief, is that on 08.03.2016, the applicants have hunted the barking deer under Bhoramdev Sanctuary at village Jamunpani and thereby the offence is committed.
3. Learned counsel for the applicants would submit that the applicants have not committed any offence, the said hunting was actually done by the wild dog and after deer was killed the applicants have shared the meat. Therefore, the offence of hunting cannot be attributed to the applicants and, as such, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that the charge sheet has been filed and the applicants are in jail since 13.03.2016, I am inclined to release the applicants on bail.
6. Accordingly, both the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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