

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.2043 of 2016**

Vijay Gond son of Ramautar Gond, aged about 19 years, resident of Village-Bhagwanpur, Police Station-Chalgali, District Balrampur-Ramanujganj (CG)

---Applicant**Versus**

State of Chhattisgarh Through: the Forest Officer, Wadrafnagar, District-Balrampur-Ramanujganj (CG)

---Non-applicant

For Applicant	:	Mr. D.N.Prajapati, Advocate
For Non-applicant	:	Mr. Vivek Shinghal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18/04/2016**

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 applicant who has been arrested in connection with Forest Crime P.O.R. No.10592/2009, registered at Forest Range, Wadrafnagar, District-Balrampur-Ramanujganj (CG), for the offence punishable under Section 9 of the Wildlife Protection Act, 1972 and Section 52 of the Indian Forest Act.
2. Case of the prosecution, in brief, is that the applicant and nine other co-accused haunted wild pig (schedule animal) under the Wildlife Protection Act and thereby committed the offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that there is no evidence against the present applicant, he is in jail since 31.1.2016 and charge-sheet has already been filed. He would also submit that co-accused have already been enlarged on bail by this Court vide order dated 5.4.2016 in M.Cr.C.No.1808

of 2016, therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, his pre-trial detention, the fact that charge-sheet has already been filed and bail was granted to co-accused, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-