

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C (A) No. 16 of 2016

Satish Sahu S/o. Shri Nand Kishor Sahu, aged about 35 years, R/o. Village Indagaon, Post Office and Police Station- Indagaon, District Gariyaband (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Forest Range Officer, Range- Indagaon, District Gariyaband (C.G.)

---- Respondent

For Applicant	:-	Mr. Shivendu Pandya, Advocate.
For Respondent No	:-	Mr. Sangharsh Pandey Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Forest Crime No. 3162/18/2015, registered at Forest Range – Indagaon, District Gariyaband (C.G.) for offence punishable under Section 26 (E) {26(इ)} 26(f), 26(फ) and 52 of Indian Forest Act and 27,29,31, 38 (A) {38(d) and 51 of the Wild Life Protection Act.
2. Case of the prosecution, in brief, is that the applicant along-with the other co-accused persons have damaged the tree of Udanti Sheeta Nadi Tiger Reserve Forest Area by and without any permission have cut the teak wood (Sagoun tree) illegally as well as transported the same. During this act, the Officer of the forest have caught hold the other accused persons and registered the offence.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that no evidence is available against this applicant and few of the other co-accused persons have been arrested and only on the basis of hearsay evidence, this applicant is being inculpated, therefore, the applicant may be given the benefit of anticipatory bail.
4. Per contra State counsel opposes the prayer for grant of bail and would submit that at the instance of this applicant, the other co-accused persons have been arrested who had cut teak wood (Sagoun tree), and while the wood was being transported the other co-accused accused have been arrested. Subsequently, it is revealed that the applicant was involved in the crime and further submits that the matter is being investigated, therefore, the applicant should not be given the benefit of anticipatory bail.
5. Perused the case diary and primary evidence collected by the prosecution. Perusal of the case diary shows that the involvement of this applicant can not be denied and the applicant was involved in the alleged crime and the matter is investigated and few of the other co-accused persons have been arrested. Taking into the nature of offence and considering the primary evidence so collected and considering the stage of investigation it appears that custodial interrogation of the applicant may be required. Therefore, taking into the primary evidence collected, this Court is of the opinion, that it is not a fit case where the applicant can be extended the benefit of anticipatory bail.
6. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Goutam Bhaduri)
JUDGE