

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 976 OF 2016**

Vijay Ekka, aged about 35 years, S/o Laluram Ekka, By Caste Uranva, R/o Village Khandi, Thana Chote Bethiya, Tahsil Pakhanjore, Distt. U.B. Kanker.

---Applicant**Versus**

The State of Chhattisgarh, through Police Station East Paralkot, Bande, Distt. U.B. Kanker C.G.

---Non-applicant

For Applicant	:	Mr. Parag Kotech, Advocate
For Non-applicant	:	Mr. Dilmanrati Minj, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/03/2016**

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 Crime No. 3660/24, registered at Police Station East Paralkot Bande, U.B. Kanker, for the offence punishable under Sections 9, 39 A, 40, 44, 48 (A) (II) (IV), 49 (A), (B), 51, 51 (1D), 56 of Wild Life Protection Act, 1972, and Section 3 and 4

of Money Laundering Act,2002.

2. Case of the prosecution, in brief, is that, applicant was found in possession of trophy of Tiger and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that charge sheet has been filed and applicant is in jail since 19/11/2015. He would lastly submit that other co-accused persons have played the similar role as that of the present applicant and other co-accused persons namely Mahadev Usendi and Anil Saay Bada have already granted regular bail by co-ordinate Bench vide order dated 16/12/2015 passed in M.Cr.C. No. 7034/2015 and the role played by the present applicant is identical to that of the other co-accused persons. Therefore, the present applicant may also be released on regular bail on the ground of parity.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard the counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the evidence available in the case diary; role of the applicant; pretrial detention of the applicant; charge sheet has already been filed and particularly the order passed by co-ordinate Bench on 16/12/2015 in M.Cr.C. No. 7034/2015 granting regular bail to the other accused persons, this Court is of the opinion that present is the 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 applicant shall be released on bail on 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.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge