

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1968 OF 2016**

1. Shyam S/o Mahesh aged bout 20 years, Occupation Student,
2. Guddu S/o Agnu, aged about 22 years, Occupation Agriculture,
3. Pintu S/o Maniram, aged about 20 years Occupation Agriculture,
4. Ram S/o Mahesh, aged about 20 years, Occupation Agriculture
5. Bodhan S/o Panchan, aged about 22 years, Occupation Agriculture,
6. Gulab S/o Deriha, aged about 24 years, Occupation Agriculture
7. Subhash S/o Bahoran, aged about 24 years, Occupation Agriculture
8. Dhiran S/o Teju, aged about 23 years, Occupation Agriculture,
9. Dharampal, S/o Sampuran, aged about 30 years, Occupation Agriculture

All by caste Bijhiya, Resident of village Parsapara, P.S. Jaynagar, District Surajpur (C.G.)

---Applicants**Versus**

State of Chhattisgarh, Through District Forest Officer, Ambikapur (under the jurisdiction of P.S. Gandhinagar,

District Surguja (C.G.) under the Surguja Forest Division,
Ambikapur Forest Circle (C.G.)

---Non-applicant

For Applicants	:	Mr. Sunil Tripathi, Advocate
For Non-applicant	:	Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

12/04/2016

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 applicants who have been arrested in connection with Forest Crime No. 10734/25, registered at Police Station District Forest Officer, Ambikapur, (Under the jurisdiction of P.S. Gandhinagar, District Surguja (C.G.) under the Surguja Forest Division, Ambikapur Forest Circle (C.G.), for the offence punishable under Sections 2 (16), 9, 49 (A) of the Wild Life Protection Act, 1972.

2. Case of the prosecution, in brief, is that, on 13/02/2016 applicants have killed one Peacock, national

bird and were found in possession of cooked meat of the said national bird and thereby committed aforesaid offence.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in offence in question. He would further submit that no custodial interrogation is required and no useful purpose would be served by keeping them in jail. He would lastly submit that applicants are in jail since 13/02/2016, therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail.

5. I have heard learned 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 nature and gravity of offence; role of the present applicants in offence in question and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, applicants should be

enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is directed that applicants, namely, Shyam, Guddu, Pintu, Ram, Bodhan, Gulab, Subhash, Dhiran and Dharampal, shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court. Applicants shall appear regularly before the Investigating Officer/concerned trial Court.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge