

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2065 of 2016

1. Sant Mandavi, S/o Idal Singh Mandavi, aged about 29 years, Caste Gond, R/o Village, Police Station & Tahsil Narharpur
2. Virendra Baghel, S/o Mahesh Baghel, aged about 34 years, Caste Kalar, R/o Village Bade Topal, P.S. & Tahsil Antagarh
3. Tanuj Kumar Samrath, S/o Parchand Ram Samrath, aged about 37 years, Caste Halba, R/o Village & Post Partapur (Pratappur), Tahsil Pankhajur
4. Vijay Kumar Darro, S/o Bajaruram Darro, aged about 50 years, Caste Gond, R/o Village Bhingidar, Post Partapur (Pratappur), Tahsil Pankhajur
5. Chamruram Tulavi, S/o Gandaram Tulavi, aged about 28 years, Caste Gond, R/o Village Chhote Bethiya, Tahsil Pankhajur,

All are Distt. Uttar Bastar Kanker (C.G.)

---- Applicants

Versus

State of Chhattisgarh, through S.H.O., Police Station Forest Range Antagarh, Distt. Kanker (C.G.)

---- Non-applicant

For Applicants:	Mr. Awadh Tripathi, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/04/2016

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Forest Crime No.7577/2014, registered at Police Station: Forest Range, Antagarh, Distt. Kanker, for the offence punishable under Sections 9, 39, 40(2) (4), 44, 49B(1)(a)(iii), 50, 51 and 52 of the Wild Life (Protection) Act, 1972.

2. Case of the prosecution, in brief, is that the applicants and 15 other co-accused persons were found making attempt to sell the trophy of tiger and thereby committed the offence.
3. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in the case. Trophy of tiger was recovered from co-accused Harish. Charge-sheet has been filed, no useful purpose will be served by keeping the applicants in jail and no custodial interrogation of the applicants is required. The applicants are in jail since 28-1-2016.
4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicants and their pretrial detention, I am of the view that it is a fit case to enlarge the applicants on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicants 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 Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge