

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2210 OF 2016**

1. Abdul Wakil S/o Abdul Rashid aged about 45 years R/o village Gadhpara Antagarh P.S. Antagarh Civil and Revenue District North Bastar Kanker C.G.
2. Sukal Singh Potai S/o Somaruram Potai aged about 35 years R/o village Gotanj P.S. Partapur Revenue and Civil District North Bastar Kanker C.G.

---Applicants**Versus**

State of Chhattisgarh, Through the Divisional Forest Officer Forest Area Antagarh District North Bastar Kanker C.G.

---Non-applicant**M.Cr.C. No. 2215 OF 2016**

Nitesh Kumar Jain S/o Shrikant Jain aged about 32 years R/o village Gadhpara Antagarh P.S. Antagarh Civil and Revenue District North Bastar Kanker C.G.

---Applicant**Versus**

State of Chhattisgarh, Through the Divisional Forest Officer Forest Area Antagarh District North Bastar Kanker C.G.

---Non-applicant**And**

M.Cr.C. No. 2225 OF 2016

1. Gajendra Pujari S/o Ramjiram aged about 28 years
Caste Halba R/o village Dehari Lopal Podgaon Police
Station and Tahsil Antagarh District Uttar Bastar Kanker
C.G.
2. Dayaram Hupedi S/o Sundaru Ram Hupedi aged about
32 years Caste Gond R/o village Metabondeli
(Chargaon) P.S. Siksod Tahsil Pakhanjur District Uttar
Bastar Kanker C.G.
3. Ashok Kumar Dehari S/o Ranju Ram Dehari aged
about 35 years Caste Halba R/o Nadipara Chargaon
P.S. Siksod Tahsil Pakhanjur District Uttar Bastar
Kanker C.G.

---Applicants

Versus

State of Chhattisgarh, Through S.H.O. Police Station
Forest Range Antagarh District Kanker C.G.

---Non-applicant

For Applicants	:	Mr. Pravin Kumar Tulsyan and Mr. Wasim Miyan, Advocates
For Non-applicant	:	Mr. Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

02/05/2016

1. Above mentioned three bail applications arise out

of a common Forest Crime No. 7577/2014, registered at Police Station Forest Range Antagarh District Kanker (C.G.), for the offence punishable under Sections 9, 39, 40(2)(4), 44, 49(B)(iii), 50, 51 and 52 of the Wild Life (Protection) Act, 1972, therefore, they are being heard analogously and decided by this common order. All the three are first bail applications filed under Section 439 of the Cr.P.C.

2. Case of the prosecution, in brief, is that 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 other co-accused persons have played the similar role as that of the present applicants and other co-accused persons have already granted regular bail by this Court vide order dated 20/04/2016 passed in M.Cr.C. No. 2065/2016 and the role played by the present applicants is identical to that of the other co-accused persons. Therefore, the present applicants may also be released

on regular bail on the ground of parity.

4. On the other hand, learned counsel for the State submits that case of the present applicants is identical to other co-accused persons, who have granted bail by this Court vide order dated 20/04/2016 passed in M.Cr.C. No. 2065/2016.

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; nature and gravity of offence and role of the applicants, particularly the order passed by this Court on 20/04/2016 in M.Cr.C. No. 2065/2016 granting regular bail to the other accused persons, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail applications (M. Cr. C. Nos. 2210/2016, 2215/2016 and 2225/2016) filed under Section 439 of the Cr.P.C. are allowed. It is ordered that the applicants, namely, Abdul Wakil, Sukal Singh Potai, Nitesh Kumar Jain, Gajendra Pujari, Dayaram Hupedi and

Ashok Kumar Dehari shall be released on bail on their furnishing a personal bond of **Rs.25,000/-** each along with one surety of the like amount to the satisfaction of the trial Court for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari