

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2301 of 2016**

Vinod Mankar, S/o late Shivram, aged about 27 years, R/o Village Nayapara Antagarh, P.S. Antagarh, Civil and Revenue District North Bastar, Kanker (CG). **---- Applicant**

Versus

State of Chhattisgarh, through the Divisional Forest Officer, Forest Area, Antagarh, District North Bastar, Kanker (CG).

---- Non-applicant

For Applicant : Shri Pravin Kumar Tulsyan, Advocate
For Non-applicant : Shri Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

09/05/2016**(1)** Heard.

(2) 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 on 07.01.2016 in connection with Crime No.P.R.O. No.7577/14, registered at Police Station Divisional Forest Officer, Antagarh, District North Bastar, Kanker, 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.

(3) Case of the prosecution, in brief, is that the present applicant and 15 other co-accused persons were found making attempt to sell the trophy of tiger and thereby committed the offence.

(4) Learned counsel for the applicant submits that the applicant has not committed any offence and he has 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 applicant in jail and no custodial interrogation of the applicant is required. The applicant is in jail since 07.01.2016. He further submits that the case of the present applicant is identical to the case of other co-accused persons (Sant Mandavi & Others Vs. State of Chhattisgarh), who have already been granted bail vide order dated 20.04.2016 passed by this Court in M.Cr.C. No.2065 of 2016. Therefore, on the ground of parity present applicant may also be released on bail.

(5) On the other hand, learned State counsel opposes the application.

(6) I have heard learned counsel for the parties and perused the case diary.

(7) Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant and his pretrial detention and further considering the fact that the co-accused persons have already been granted bail, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the bail application is allowed.

(8) It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge

