

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3487 of 2016

1. Basant Kumar S/o Shri Ghasiram Kanwar Aged About 29 Years R/o Village Mohanpur, P.S. Lailunga, District Raigarh, Chhattisgarh.
2. Babulal S/o Shri Matwar Khadia Aged About 40 Years R/o Village Mohanpur, P.S. Lailunga, District Raigarh, Civil & Revenue District Raigarh, Chhattisgarh. --- **Petitioners**

Versus

- State of Chhattisgarh Through Forest Ranger, Forest Range Lailunga, District Raigarh, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Manoj Kumar Sinha, Advocate
For the Respondent	:	Ms. Shobha Kashyap Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime / POR No. 6748/2015 registered at P.S. Forest Range, Lailunga, Distt. Raigarh (C.G) for the offence punishable under Sections 51(1)(2) of the Wild Life Protection Act, 1972 and Section 2(16) & 9 of the Wild Life (Protection) Amendment Act, 2002.
2. As per the prosecution case, on 02.05.2016 the present applicants along-with other accused followed one deer in forest with their dogs and the deer was chased by the dogs and subsequently when it was exhausted, the applicants along-with other co-accused persons attacked the deer and killed it thereby the offence is committed.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the case and in fact hunting was done by the dogs, not by the applicants. They only went to forest to watch the scene of crime. He

would further submit that the charge sheet in this case has been filed and the applicants are in jail since 03.05.2016 and no further investigation is necessary. It is also submitted that similarly placed co-accused Mangal Rathiya and Chaitan Rathiya have been granted bail by this Court in M.Cr.C.No.3249/2016 on 04.07.2017, therefore, the present applicants may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, she do not dispute the fact that the other co-accused have been granted regular bail by this Court in M.Cr.C.No.3249/2016.
 5. Perused the case diary, documents and the statements of the prosecutrix.
 6. Taking into consideration the facts and circumstances, nature of allegations levelled against the applicants and further considering the fact that the charge sheet in this case has been filed and the applicants are stated to be in jail since 03.05.2016 as also the fact that similarly placed co-accused have been directed to be released on bail by this Court in M.Cr.C.No. 3249/2016 on 04.07.2016, I am inclined to release the presently applicants also on bail.
 7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.
- C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE