

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5059 of 2016

1. Rajkumar S/O Mainuram Aged About 25 Years Caste - Rawat, R/O Village - Kouhabahra (Dugli), Police Station - Dugli, District - Dhamtari Chhattisgarh
2. Rambharosa S/O Devsing Aged About 57 Years Caste - Kalar, R/O Village - Kouhabahra (Dugli), Police Station - Dugli, District - Dhamtari Chhattisgarh
3. Sunil S/O Suddhiman Aged About 35 Years Caste - Gond, R/O Village - Kouhabahra (Dugli), Police Station - Dugli, District - Dhamtari Chhattisgarh
4. Bhupendra S/O Gaitram Aged About 19 Years Caste - Gond, R/O Village - Kouhabahra (Dugli), Police Station - Dugli, District - Dhamtari Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Forest Circle Officer, Dugli, Distt. Dhamtari Chhattisgarh

---- Respondent

For Applicants : Mr. D.N. Prajapati, Advocate

For Respondent/State : Mrs. Shobha Kashap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31-08-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who have been arrested on 27-05-2016 in connection with P.O.R. No. 7942/24 dated 24-5-2016 (Criminal Case No. 193 of 2016) registered at Police Station Dugli, District Dhamtari (CG) for the offence punishable under Section 9 (Schedule 3 (5), 44(1), 50, 51(1), 39(2), 39(3) and 57 of the Wild Life Protection Act, 1972 and Section 26(1) (i) of the Indian Forest Act.

2. Case of the prosecution, in brief, is that on 24-5-2016 the applicants hunted deer at Dugli forest and few of them had eaten the meat of the deer and thereafter it was kept in the house. On being raid was conducted, the said meat was recovered from the possession of the applicants and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, there is no evidence on record to show that present applicants have hunted deer. It is only on presumption the applicants have been inculpated. He would further submit that the charge-sheet has been filed in this case, the applicants are in jail since 27-05-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. From perusal of the case diary, it appears that seizure has already been made, therefore, no further seizure is required.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the fact that charge-sheet has been filed and the applicants are in jail since 27-5-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the

sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju