

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5227 of 2016

1. Maniram S/O Deriya Dhanuwar, Aged About 40 Years R/O Village Jhagarpur, Police Station- Lailunga, District- Raigarh (Chhattisgarh)
2. Bhoklu, S/O Bir Sai, Aged About 50 Years Caste- Khadiya, R/O Village- Jhagarpur, Police Station- Lailunga, District- Raigarh (Chhattisgarh)
3. Pitamber, S/O Vaishakhu, Aged About 35 Years Caste- Khadiya, R/O Village- Jhagarpur, Police Station- Lailunga, District- Raigarh (Chhattisgarh)
4. Dilsagar, S/O Atmaram, Aged About 42 Years R/O Village- Jhagarpur, Police Station- Lailunga, District- Raigarh (Chhattisgarh).
5. Vaishakhu, S/O Khorl, Aged About 40 Years R/O Village- Jhagarpur, Police Station- Lailunga, District- Raigarh (Chhattisgarh)
6. Jaglal, S/O Chamarsingh, Aged About 40 Years R/O Village- Jhagarpur, Police Station- Lailunga, District- Raigarh (Chhattisgarh)

---- Applicants

Versus

- State Of Chhattisgarh Through The Forest Range Officer, Forest Range Lailunga, Civil & Revenue District Raigarh, Chhattisgarh.

---- Respondent

For Applicants : Mr. Manoj Kumar Jaiswal,, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-09-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 18-5-2016 and 21-6-2016 in connection with Crime/POR No. 6748 of 2015, registered at Police Station Forest Range, Lailunga, District Raigarh (CG) 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. Case of the prosecution, in brief, is that on 2-5-2016 the present applicants along with other co-accused persons 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 and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that similarly placed other co-accused persons have been granted bail vide order dated 11-07-2016 passed by this Court in M.Cr.C.No.3487 of 2016, therefore, the applicants may also be released on bail on the ground of parity.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicants is similar to the case of co-accused persons who have been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicants and considering the fact that charge-sheet has been filed, the applicants are in jail since 18-5-2016 ad 21-6-2016 and further considering the fact that similarly placed co-accused persons have been granted bail, I am inclined to release the applicants on bail.
7. 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