

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5549 of 2016

1. Shiv Kumar, S/o. Chhote Lal, aged about 35 years, R/o. Village- Bitkula, Police Station Sipat, District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Forest Circle Officer, Forest Circle – Bilaspur, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Shravan Chandel, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

21/09/2016

1. 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 in connection with Crime No. - P.O.R.4232/2008, registered at Police Station – Forest Circle – Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 52, 26 of the Forest Act 1927, and 5, 15, 16 of Vanopaj Vyapar Viniyam Adhiniyam 1969 and 3 (1) of Prevention of Damage to Public Property Act, 1984.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused persons transporting 5 numbers of teak trees admeasuring 0.832 cubic meter within Bitkula Forest, Compartment No.12 Reserve Forest, Ghana Kachhar on 04.05.2013. When the forest officers/employees and the villagers intercepted then this applicant escaped from the place of occurrence. The accused who were arrested on the said date failed to produce proof of ownership of teak trees loaded in the vehicle.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that similarly placed co-accused persons in this case have been enlarged on bail by the Coordinate Bench of this Court in M.Cr.C. No.2398/2013, M.Cr.C.No.2993/2013 & M.Cr.C.No.3045/2013 vide order dated 18.06.2013, 18.07.2013 & 23.07.2013 respectively, therefore, the counsel prays that the applicant may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he do not dispute the fact that similarly placed co-accused in this case have been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Considering the fact that similarly placed co-accused in this case have been enlarged on bail by Coordinate Bench of this Court in M.Cr.C. No. 2398/2013, M.Cr.C. No. 2993/2013 & M.Cr.C.No.3045/2013 vide order dated 18.06.2013, 18.07.2013 & 23.07.2013 respectively, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge