

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6029 of 2016

1. Chhedulal Patel, S/o. Tiharu, aged about 45 years,
 2. Neelkumar Patel, S/o. Chhedulal Patel, aged about 23 years
- Both are By Caste- Marar, R/o. Village-Chikhali, Thana and Tahsil – Pithoura, Civil and Revenue District – Mahasamund (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Forest Officer, Forest Region Pithoura, District – Mahasamund (C.G.)

---- Respondent

For Applicants	: Mr. Sunil Sahu, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/10/2016

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 applicants who have been arrested in connection with Crime No./POR No. 8650/09, registered at Police Station – Forest Officer, Forest Region – Pithoura, District – Mahasamund (C.G.) for the offence punishable under Section 9, 50 and 51 of Wild Life Protection Act, 1972.
2. Case of the prosecution, in brief, is that the applicants along with other co-accused persons laid down the live electric wire in their field, whereby trapped the wild animal bear and wild boar, which came into contact with live electric wire and got electrocuted. Subsequently, the recovery was made at the behest of the applicants and on investigation, the applicants were arrested. Thereby the offence has been committed.

3. Learned counsel for the applicants, submits that the applicants have been falsely implicated in this case and there is no eye-witness in this case and only the live wire is recovered from the possession of the applicants, which is easily available. He further submits that charge-sheet in this case has been filed and no further investigation is necessary, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case, the nature of offence and the degree of allegation levelled against the applicants and the fact that charge-sheet in this case has been filed and the applicants are in jail since 27.08.2016, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their 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 their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge