

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6171 of 2016

1. Shiv Sidar, S/o Sudhram Sidar Aged About 21 Years R/o Village Nawagaon, Thana & Tahsil Dharamjaygarh District Raigarh Chhattisgarh
 2. Nageshwar Rathia S/o Netram Rathia Aged About 21 Years R/o Village Nawagaon, Thana & Tahsil Dharamjaygarh District Raigarh Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh through Station House Officer Dharamjaygarh, District Raigarh Chhattisgarh
- Respondent**

For the applicants	: Mr. N.K. Malviya, Advocate
For the Respondent	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.10.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 166 of 2016 registered at P.S. Dharamjaygarh District Raigarh (C.G) for the offence punishable under Sections 39-B, 49-B, 51 of the Forest Animal (Conservation) Act.
2. As per the prosecution case, on 19.07.2016 the applicants were intercepted near village Amapali and when a bag kept on their motorcycle was checked, teeth of elephant and its remains were found and were recovered from them.
3. Learned counsel for the applicants submits that in fact an elephant died on 26.09.2010 which was buried on 27.09.2010 by the Forest Department and from the same place, the teeth of elephant were collected by the applicants. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, they may be

enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the case diary and documents. A perusal of the case diary papers would go to show that jaw bone of the elephant alongwith some teeth and few of its remains were recovered from the applicants.
6. Taking into consideration the fact that recovery has already been made and the totality of the facts and circumstances of the case and further looking to the detention period of the applicants as they are stated to be in jail since 19.07.2016, this Court is inclined to release them on bail.
7. Accordingly, this 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 said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE