

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6765 of 2016

- Rajesh Sahu S/o Jangalu Sahu Aged About 45 Years By Caste-Kolta, R/o Village Sukhipali, Thana & Tahsil Pithoura, Civil & Revenue District Mahasamund, Chhattisgarh. --- **Applicants**

Versus

- State of Chhattisgarh through the Forest Officer, Forest Region Pithoura, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Sumit Shrivastava, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime/POR No. 8650 of 2009 registered at P.S. Forest Officer, Forest Region Pithoura, Distt. Mahasamund (C.G) for the offence punishable under Section 9, 50 & 51 of the Wild Life Protection Act, 1972.
2. As per the prosecution case, the applicant alongwith other co-accused 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, thereby the offence was committed. Subsequently, the recovery was made at the best of the applicant and other accused and on investigation, the applicant was arrested.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and there is no eye-witness in this case and only the live electric wire is

recovered from the possession of the applicants, which is easily available. It is submitted that similarly placed co-accused have been enlarged on bail by this Court in M.Cr.C. No. 6029 of 2016 on 04.10.2016. He further submits that the charge sheet in this case has been filed; no further investigation is necessary and the applicant is in jail since 27.08.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that similarly placed co-accused have been enlarged on bail by this Court in M.Cr.C.No. 6029/2016.
5. Perused the case diary and documents.
6. Considering the facts and circumstances of the case, particularly the fact that similarly placed co-accused have been enlarged on bail by this Court; the nature of offence and the degree of allegations levelled against the applicant and the fact that the charge sheet in this case has been filed and the applicant is in jail since 27.08.2016, this Court is of the opinion that present is a fit case, in which, the applicant can be released on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**