

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7109 of 2016

- Vidyadhar S/o Shri Lalit Pradhan, Aged About 40 Years R/o Village - Sukhipali, Thana And Tahsil - Pithoura, Civil & Revenue District Mahasamund Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Forest Officer, Forest Region Pithoura Chhattisgarh

---- **Respondent**

For Applicant : Mr. Sumit Shrivastava, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-11-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 27-8-2016 in connection with Crime/POR No. 8650 of 2009, registered at Police Station Forest Officer, Forest Region, Pithoura (CG) for the offence punishable under Sections 9, 50 and 51 of Wild Life Protection Act, 1972.
2. As per prosecution case, the applicant along with other co-accused persons laid down the live electric wire in his 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 applicant and on investigation, the applicant was arrested and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, charge-sheet has been filed

in this case, he is in jail since 27-08-2016 and no further investigation is required. He would further submit that the case of the present applicant is similar to that of other co-accused persons who have been granted bail vide order dated 4-10-2016 passed by this Court in M.Cr.C.No.6029 of 2016, therefore, the applicant 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 applicant is similar to that of other 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 allegations leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 27-8-2016 and further considering the fact that similarly placed other co-accused persons have been granted bail, 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 and it is directed that the applicant shall be released on bail on his 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 his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju