

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7391 of 2016

1. Jaikumar, S/o. Late Shri Bharat Rathiya, Aged About 40 Years.
2. Ganesh Dhanuhar, S/o. Jagat Dhanuhar, Aged About 32 Years.

Both are R/o. Village Saraipali, Tahsil Kharsiya, District Raigarh,
Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Incharge Officer Of Forest Circle-
Kharsiya, District Raigarh, Chhattisgarh.

---- Respondent

For Applicants : Ms. Sharmila Singhai, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.11.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with P.O.R./Istgasa/Crime No. 4728/06 registered at Forest Circle Kharsiya, District Raigarh (C.G.) for the offence punishable under Section 9, 44, 48(A) of Wildlife (Protection) Act, 1972.
2. As per the prosecution case, on a secret information received on 05.10.2016, when a raid being conducted from the possession of the applicants, 7 Kg meat of wild boar was recovered.
3. Learned counsel for the applicants would submit that though it is alleged that the meat belonged to wild-boar but there is no evidence to support the fact that the meat belonged to wild-boar and only on presumption, the applicants have been inculpated. She

further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, nature of offence and degree of allegation and further considering the fact that the charge sheet has been filed and the applicants are in jail since 17.10.2016, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on 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.

Sd/-
(Goutam Bhaduri)
Judge