

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8226 of 2016

Bhagat Singh, S/o. Sadhu Ram, Aged About 38 Years, R/o. Village
Pakhnar Tahsil & Police Station Darbha, District Bastar, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Kodenar, District Bastar,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikas A. Shrivastava, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.12.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.54/2016 registered at Police Station- Kodenar, District Bastar (C.G.) for the offence punishable under Section 51 of Wild Life Protection Act, 1972. The first bail application was dismissed on merit on 31.08.2016 in MCRC No.5026 of 2016.
2. Case of the prosecution, in brief, is that on a secret information received that four persons were traveling in two motorcycles and were carrying the skin of Panther and were waiting to sell the same. They were arrested after the raid was conducted and from their possession skull & skin of Panther was recovered.
3. Learned counsel for the petitioner submits that the seizure witness have been examined and they have turned hostile, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the earlier rejection order dated 31.08.2016 wherein the bail application was dismissed on merit and simply because of the fact that seizure witness have not supported the case, I do not want to entertain this bail application, as it will amount to adjudicate the trial itself by only picking up statement of the seizure witness. It is for the trial Court to decide and adjudicate the case after all the evidences are adduced. Taking into such facts, I am not inclined to release the applicant on bail.
6. Accordingly, the second bail application is dismissed at the admission stage itself.

Ashok

Sd/-
(Goutam Bhaduri)
Judge