

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 344 of 2017

Gajanand, S/o. Bhuwan, Aged About 50 Years, R/o. Gatabharri, Gram Panchayat Thenhi, Post Belarbahra, Dhamtari, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Forest Range Officer, Udanti Sitanadi Tiger Reserve, Forest Range Arsikanhar, Headquarter Sankra, Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kunal Das, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

31/01/2017

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 in connection with Forest Crime POR No. 11920/06 registered at Forest Range Officer, Udanti Sitanadi Tiger Reserve, Forest Range Arsikanhar, Headquarter Sankra, Dhamtari (C.G.) for the offence punishable under Section 27, 29, 31, 38, 51, 52 of Wild Life (Protection) Act, 1972.
2. As per the prosecution case, the applicant and others have encroached upon the reserved forest at Udanti Sitanadi Tiger Reserve, Forest Range Arsikanhar and have cut the trees and destroyed the habitants of the forest and also caused loss to the forest.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence, the applicant and others were

already settled in the said forest land and living for a long and in order to evict the applicant, the false allegations have been attributed. He further submits that the charge sheet in this case has been filed and no further investigation is necessary, therefore, the applicant 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 and the fact that the charge sheet has been filed and the applicant is in jail since 04.11.2016 and no further investigation is necessary, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge