

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 555 of 2017

1. Rewas Kumar, S/o. Bir Singh Gond, aged about 35 years,
2. Peetam, S/o. Birjhumam Gond, aged about 32 years,
3. Rajesh, S/o. Gajlal Gond, aged about 35 years,
4. Rajuram, S/o. Tibhuram Halba, aged about 62 years,
5. Narad Ram, S/o. Sukhram Gond, aged about 50 years,
6. Narayan, S/o. Sukhram Gond, aged about 55 years,

All R/o. Village-Arsikanhar, Police Station – Mechka, Tahsil – Nagri,
District- Dhamtari (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : the Range Officer, Forest Range,
Arsikanhar, District – Dhamtari (C.G.)

---- Respondent

For Applicants	:	Mr. D.N. Prajapati, Advocate
For Respondent/State	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/02/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. P.O.R. No.11920/06, registered at Police Station – Forest Range, Arsikanhar, District – Dhamtari, (P.S. - Mechka) (C.G.) for the offence punishable under Section 27, 29, 31, 38, 51, 52 of Wildlife Protection Act and Section 3

(1) Prevention of Damages of Public Property Act.

2. Case of the prosecution, in brief, is that the applicants and others have encroached upon the reserved forest at Udanti Sitanadi Tiger Reserve, Forest Range Arsi Kanhar 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 applicants have not committed any offence, the applicants and others were already settled in the said forest land and living for a long and in order to evict the applicants, the false allegations have been attributed. It is further submitted that similarly placed co-accused in this case has been enlarged on bail by this Court vide order dated 31.01.2017 in M.Cr.C. No.344/2017, therefore, the applicants may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact similarly placed co-accused have been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case and the fact that charge-sheet in this case has been filed and the applicants are in jail since 04.11.2016 and further considering the fact that similarly placed co-accused in this case has been enlarged on bail by this Court vide order dated 31.01.2017 in M.Cr.C. No.344/2017, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants shall be released on bail on their 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram