

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 962 of 2017

Ramsai Gond, S/o. Raisingh Gond, Aged About 40 Years, Caste Gond,
R/o. Village Rajpur, Post Office, Police Station & Tahsil Nagri, District
Dhamtari, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through The Forest Range Officer and Head
Office, Dongardula, Tahsil Nagri (General), District Dhamtari,
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/03/2017

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 applicant who has been arrested in connection with Crime No./ Forest Crime (P.O.R.) No.8048/2003, registered at the Forest Range Officer and Head Office, Dongardula, Tahsil– Nagri (General), District – Dhamtari (C.G.) for the offence punishable under Section 26 (1) (क) (च) of Indian Forest Act, 1927, 2(ii) Forest (Conversation) Act 1980, 3 (1), (2) & (5) of the Prevention of Damage to Public Property Act, 1984 and 2 (ii) of Environment (Protection) Act 1986.
2. As per prosecution case, it is alleged that the applicant along with other accused persons entered into the reserve forest area and disturbed the wild habitat and have cut the trees and caused damage to the public property to the tune of Rs.20,07,500/-. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant is resident of forest village and has not been rehabilitated and the applicant has not caused any loss or damage to the forest. He further submits that charge-sheet in this case has been filed and the applicant is in jail since 23.11.2016 and no further investigation is necessary. It is further submitted that the similarly placed co-accused namely Daulat Gond has been enlarged on bail by this Court on 06.03.2017 in MCRC No. 1119 of 2017, therefore, the present applicant may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the prayer for grant of bail, however, he is not able to dispute the fact that the similarly placed co-accused has already been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts and circumstances, degree of allegation leveled against the applicant, the charge-sheet has been filed and further considering the fact that the similarly placed co-accused has already been enlarged on bail, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that 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.

Sd/-
(Goutam Bhaduri)
Judge