

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1026 of 2017

1. Phulsingh Gada, S/o. Mangal Gada, Aged About 40 Years, Caste Gada, R/o. Village- Rajpur, Post Office, Police Station & Tahsil -Nagri, District- Dhamtari, Chhattisgarh.

----Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Respondent/State	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/03/2017

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 (POR) No.8048/2004, registered at Police Station – 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. It is further submitted 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, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case and further taking into the degree of allegation levelled against the applicant and the fact that charge-sheet in this case has been filed and the applicant is in jail since 23.11.2016, this Court is of the opinion that present is a fit case, in which, the applicant 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 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge