

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1134 of 2017

1. Banshi Lal, S/o. Bhagoli, Aged About 60 Years, Caste- Gond.
2. Nakulram, S/o. Dhop Singh, Aged About 29 Years, Caste- Gond.

Both are R/o. Village, Arshikanhar, Tahsil-Nagri, District-Dhamtari, Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicants : Mr. Sandeep Yadav, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.03.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have 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 applicants 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 applicants 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 have been enlarged on bail by this Court vide order dated 31.01.2017 in MCRC No.344 of 2017 and order dated 09.02.2017 in MCRC No.555 of 2017, therefore, the present applicants may also be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that similarly placed co-accused have been enlarged on bail.
5. Considering the facts and circumstances of the case and the fact that the charge sheet 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 have been enlarged on bail by this Court vide order dated 31.01.2017 in MCRC No.344 of 2017 and order dated 09.02.2017 in MCRC No.555 of 2017, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge