

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1318 of 2017

- Yashwant S/o Laduram Netam, Aged About 33 Years Occupation Shikshakarmi Grade I I, Village Tarregarh, Tehsil Chhuria, Presently Residing At Ambagarh Chauki, Permanent Address Village Kunjamtola, Tehsil Mohla, Police Station Chauki, District Rajnandgaon Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through the Forest Department Ambagarh, Chauki, District Rajnandgaon Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Shivendra Bharadwaj, Advocate
For the Respondent	:	Mr. Anant Bajpai, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.03.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. P.O.R.10018/2015 registered at P.S. Forest Department Ambagarh Chowki, Rajnandgaon (C.G) for the offence punishable under Sections 9, 39, 44, 49(B), 51, 51(1)(C), & 52 of the Wildlife Protection Act, 1972.
2. As per the prosecution case, on 23.11.2016 the applicant was travelling in a vehicle bearing Regn. No. C.G.08-W/4639 which was driven by applicant Yashwant Kumar Netam and the co-accused Visharam yadav was sitting as a pillion rider with a bag in his hand. Their vehicle was intercepted and on a search being made, a full tiger skin was recovered from the bag and it was found that the tiger was killed in the forest.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he was

only driving the vehicle and he was not in know of the fact that the pillion rider is carrying the tiger's skin and he had only given lift to the other accused, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the documents collected and various statements of witnesses. The statements would show that while the applicant along-with other accused were intercepted, the other accused fled away and the skin of the tiger has been recovered. It appears that despite several appeals being made by the State and Center as also the general public, people do not refrain to commit the offence of like the present nature and it cannot be ruled out that certain kind of wild animals like tiger are at the verge of extinction.
6. Considering the nature of evidence available and the way in which the recovery of tiger's skin has been made, I am not inclined to allow this bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**