

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1182 of 2017

1. Rajaram, S/o. Noharsai, Aged About 60 Years.
2. Dahan Singh, S/o. Pusau, Aged About 45 Years.
3. Budhram, S/o. Gadarai, Aged About 65 Years.
4. Bhanupratap, S/o. Bhuwanlal, Aged About 36 Years.
5. Dinesh, S/o. Devlal, Aged About 30 Years.

All are R/o. Village Arsikanhar, Police Station Mechka, Dhamtari, 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

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MCRC No. 1179 of 2017

Parmatma, S/o. Mangtu Ram, Aged About 27 Years, R/o. Village Arsikanhar, Police Station Mechka, Tahsil Nagri, District Dhamtari, Chhattisgarh.

---- Applicant

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. Kunal Das, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.03.2017

1. Both are 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 Arsiakanhar 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 place 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, both 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

Ashok