

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1337 of 2017

1. Gada Rai S/o Late Khora Ram Gond, Aged About 50 Years R/o Village Karhi, Police Station Sihava, Tahsil Nagari, District Dhamtari Chhattisgarh
2. Sukhchand, S/o Shyamlal, Aged About 35 Years Caste Gond, R/o Village Karhi, Police Station Sihava, Tahsil Nagari, District Dhamtari Chhattisgarh

--- Applicants

Versus

- State of Chhattisgarh through Forest Officer Forest Department Head Office Risgaon Udanti Sitanadi Sihava, District Dhamtari Chhattisgarh

--- Respondent

For Applicant	:	Mr. D.N. Prajapati, Advocate
For Respondent/State	:	Mr. D.R. Minj, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16-03-2017

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 applicants who have been arrested in connection with Crime No. P.O.R. No.5525/2015, registered at Police Station – Forest Range, Rijgaon Udanti Sitanadi Tiger Reserve Gariyaband (C.G.) for the offence punishable under Sections 27, 29, 31, 38, 51, 52 of Wildlife Protection Act & Section 3 (1) A of Prevention of Damages of Public Property Act.
2. Case of the prosecution, in brief, is that the applicants and others have encroached upon the reserved forest land at Udanti Sitanadi Tiger Reserve, Forest Range Rajgaon and damaged the forest and destroyed the abode of wild animals and also caused loss to the forest

to the tune of Rs.64,54,929/-.

3. Learned counsel for the applicant would submit that the applicants have not committed any offence, the applicants and others were already settled and they were initially granted lease of land but subsequently the lease was not renewed and the offence is alleged to have been committed. He further submits that the allegations levelled against the applicants are completely false, therefore, they 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. Considering the facts and circumstances of the case and the fact that charge-sheet in this case has been filed and the applicants are in jail since 06.01.2017 this Court is of the opinion that present is a fit case, where the bail can be granted to the applicants.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on each of them furnishing a personal bond in the 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge