

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1538 of 2017

1. Bhanwar Singh, S/o. Shri Taturam, Aged About 50 Years, R/o. Village Kaspur, Thana-Borai, Tahsil- Nagari, Civil & Revenue District- Dhamtari, Chhattisgarh.

----Applicant

Versus

1. The State Of Chhattisgarh, Through: The Forest Division Officer, Udanti Sitanadi Tiger Reserve Forest Division -Singhanpur, Zone- Sihava Dhamtari, Civil & Revenue District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sumit Shrivastava, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/03/2017

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./(POR) No.8366/2013, registered at Police Station – Forest Division Officer, Udanti-Sitanadi Tiger Reserve Forest Division -Singhanpur, Zone-Sihava Dhamtari, District – Dhamtari (C.G.) for the offence punishable under Section 27, 29, 31, 51(1), 52 of Wild Life Protection Act, 1972 and Section 3 (1) of the Prevention of Damages to the Public Property Act, 1984.
2. As per prosecution case, on 01.12.2016 the applicant was arrested on the reason that applicant has cut trees in the Reserve Forest and tried to encroach upon property of the forest along with co-accused and destroyed natural habitat of the wild animal.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he has not caused any loss or damage to the forest. It is further submitted that similarly placed co-

accused in this case has been enlarged on bail vide order dated 01.02.2017 in M.Cr.C. No.422/2017, therefore, the applicant may be also enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that similarly placed co-accused in this case has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Taking into consideration the nature of allegation against the applicant and further considering the fact that similarly placed co-accused in this case has been enlarged on bail vide order dated 01.02.2017 in M.Cr.C. No.422/2017, 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