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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.3066 of 2017**

1. Kallu Baiga, S/o Mr. Mahangu Baiga, Aged About 48 Years R/o Amadob, Chowki Khudiya, Thana & Tehsil Lormi, District Mungeli, Chhattisgarh.
2. Sukhram Baiga S/o Mr. Chhote Andharu Baiga, Aged About 50 Years R/o Amadob, Chowki Khudiya, Thana & Tehsil Lormi, District Mungeli, Chhattisgarh.
3. Phool Singh S/o Mr. Bade Jhigaru Baiga, Aged About 60 Years R/o Amadob, Chowki Khudiya, Thana & Tehsil Lormi, District Mungeli, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Forest Divisional Officer Range Khudiya, Lormi, District Mungeli, Chhattisgarh.

---- Non-Applicant

For Applicants:	Shri Achyut Tiwari, Advocate.
For State/Non-Applicant:	Shri Aditya Sharma, Panel Lawyer.

Single Bench: Hon'ble Shri Prashant Kumar Mishra J
Order On Board

23.5.2017

1. This is the first bail application under Section 439 Cr.P.C for grant of regular bail as the Applicants are arrested in connection with Criminal Case No.152/2017 registered at Police Station (Investigating Agency) – Divisional Forest Officer Range Khudiya, District Mungeli (CG) for the offence punishable under Sections 26(i) of Indian Forest Act, 1927 and 9, 27, 29, 31, 32, 50 and 51 of the Wild Life Protection Act, 1972.
2. The Applicants have allegedly entered the protected forest area, each one of them carrying guns with them and thus they intended to be involved in gaming inside the forest.

3. Learned Counsel for the Applicants submits that the Applicants are innocent and have been falsely implicated in the alleged crime. He submits further that there are no criminal antecedents of similar offence against them and are therefore liable to be enlarged on bail.

3. On the other hand, learned counsel for the State opposed the prayer for bail.

4. Having considered the facts and circumstances of the case, the nature of allegations, that the offence is triable by the Judicial Magistrate, First Class and that the Applicants are in jail since 23.02.2017, this Court is inclined to release the Applicants on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C is allowed and it is directed that the Applicants shall be released on bail on their 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. They shall also appear before the trial Court as and when directed. It is made clear that if the Applicants involve themselves in the offence of similar nature in future, this order granting bail to the Applicants shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Prashant Kumar Mishra)
Vacation Judge