

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3104 of 2017

1. Basuram, S/o Chamrusing, aged about 45 years, Caste Gond,
2. Devlal, S/o Sukalu, aged about 29 years, Caste Gond,
3. Ghanaram, S/o Shivilal, aged about 35 years, Caste Gond,
4. Mahesh, S/o Nadi, aged about 36 years, Caste Gond,
5. Prabhulal, S/o Bhikham, aged about 36 years, Caste Gond,
6. Bhabhulal @ Shambhulal, S/o Shuklal, aged about 36 years, Caste Gond,
7. Mannulal, S/o Dashru, aged about 26 years, Caste Gond,
8. Devchand, S/o Brijlal, aged about 29 years, Caste Gond,
9. Sagaram, S/o Mahangu, aged about 46 years, Caste Gond,
10. Abhay, S/o Samrath, aged about 30 years, Caste Gond,
11. Kishan, S/o Birsingh, aged about 38 years, Caste Gond,
12. Radhelal, S/o Mohan, aged about 31 years, Caste Gond,
13. Milap, S/o Ayatu, aged about 46 years, Caste Gond,
14. Yashvant, S/o Sagaram, aged about 28 years, Caste Gond,
15. Shivprasad, S/o Ghasiram, aged about 23 years, Caste Gond,
16. Anil, S/o Lachuram, aged about 24 years, Caste Gond,
17. Santram, S/o Dhansai, aged about 31 years, Caste Gond,

All are R/o Village Karka, Police Station Mechka, Tahsil Nagari,
District Dhamtari (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Forest Range Officer, Arsikanhar
Udanti Sitanadi Tiger Reserve, District Dhamtari (C.G.)

---- Non-applicant

For Applicants:	Mr. D.N. Prajapati, Advocate.
For Non-applicant:	Mr. Neeraj Sharma, Deputy Govt. Advocate.

Hon'ble the Vacation JudgeOrder On Board31/05/2017

1. Heard on the application under Section 439 of the CrPC for grant of bail to the applicants.
2. It is submitted that the applicants have been arrested in connection with Crime No.POR 7922/2016 registered for offence under Sections 27, 29, 31, 38, 51 and 52 of the Wild Life Protection Act, 1972 and Section 3 (1) A of the Prevention of Damage to Public Property Act, 1984 by the Forest Range Officer, Arsikanhar Udanti Sitanadi Tiger Reserve, District Dhamtari, on 16-1-2017. Charge-sheet of the case has been presented in the trial Court. It is further submitted that the applicants are innocent and have been falsely implicated. It is also submitted that all the applicants and other co-accused persons are in possession of Government forest lands since last 35 years and have prayed for grant of lease of the lands in their possession, however, instead of considering their prayer, the applicants have been falsely implicated in a criminal case. The case is likely to take some time for its disposal. It is further submitted that co-accused persons Nemuchand and four others have been granted bail by this Court by order dated 17-4-2017 in M.Cr.C.No.1737/2017. Hence, the applicants have prayed for grant of bail.
3. Counsel for the State has opposed the bail application.
4. Perused the case diary of Crime No.POR 7922/2016.

5. It is alleged that the applicants and others have encroached the land in a reserve forest at Arsikanhar Udanti Sitanadi Tiger Reserve and have also damaged the forest and destroyed the abode of wild animals causing a loss of ₹ 1,76,86,871/- for the reasons of which forest offences have been registered against the applicants and co-accused persons.
6. It is apparent that all the applicants are residents of Village Karka within the jurisdiction of Police Station Mechka, Tahsil Nagari, Distt. Dhamtari. None of the offences registered against the applicants is punishable with death or life imprisonment. Looking to these facts and the fact that co-accused in this case have been benefited with bail and the case of the applicants is not different from that of the co-accused who have been benefited with bail, it is a fit case where the applicants should be benefited with grant of bail. Hence, this application is allowed.
7. It is, therefore, directed that the applicants be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge