

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 389 of 2017**

Manoj Kumar Gupta, S/o. Shri Lohra Singh Gupta, aged about 50 years,
Occupation – Assistant Teacher (Panchayat), Resident of Village- Jurda,
Tahsil and District – Raigarh (C.G.)

----Applicant**Versus**

State Of Chhattisgarh, Through : Divisional Forest Officer, Office –
Raigarh, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. R.K. Bhagat, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****08/12/2017**

1. Apprehending arrest in connection with Forest Crime No.4780/21, Range Office Case No.100/2017 of Forest Range – Raigarh (C.G.) for offence punishable under Section 9, 39, 40, 42, 51, 52 of the Indian Forest Act, 1972, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant have been falsely implicated in this case and it is only on the basis of the statement given by co-accused persons. There is no evidence about any hunting incident. Some recovery and seizure has been made from the residence of the applicant in his absence that recovery can not be connected with the offence registered against him. It is further submitted that applicant is

Assistant Teacher and is a government servant and by his arrest his carrier will be jeopardized, therefore, the applicant may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that the specific articles have been recovered from the residence of the applicant, which includes wild life trophy along with air-gun and some cartridges, which shows his involvement in the crime, hence, applicant is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. The brief facts of the case are that on 23.04.2017 a secrete information was received by the forest department, on which forest guard Paluram Sahu went to the spot, inside the forest and found three persons in the car. Forest guard stopped them and enquired from them about their presence in the forest on which all three of them without giving reply to the queries, moved away in the car. On the basis of registration number of the car, co-accused Lokeshwar Thakur was traced, who has given statement before the forest officials that applicant was in his company, thereafter, some recovery has been made from residence of the applicant.
6. Considering the submissions made and the article seized from the residence of the applicant, which are only some bones and cartridges, air gun for which license is not required for keeping. Taking into consideration of this fact, this Court is inclined to extend the benefit of Section 438 of Cr.P.C.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge