

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4495 of 2017

1. Rajkumar & Ors. S/o Budhram, Aged About 50 Years R/o Village Kesla, Police Station Dongargaon, District Rajnandgaon Chhattisgarh
2. Santosh S/o Kartik, Aged About 40 Years R/o Village Kesla, Police Station Dongargaon, District Rajnandgaon Chhattisgarh
3. Bisram, S/o Siraj, Aged About 32 Years R/o Village Kesla, Police Station Dongargaon, District Rajnandgaon Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Forest Range Officer, Dongargaon, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicants : Mr. Avinash Chand Sahu, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

21/11/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. POR 306/2009, registered at Police Station- Forest Range, Dongargaon District – Rajnandgaon (C.G.) for the offence punishable under Sections 9, 39, 51 of the Wildlife Protection Act.
2. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in this case. They are in jail since 8.6.2017. The offence is triable by Judicial Magistrate. The disposal of trial is likely to take some time. The applicants are local

residents of District Rajnandgaon and they are ready to abide by all the conditions imposed that may be imposed by the Court while releasing them on bail. Hence, prayed that the applicants be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that there is clear evidence of the commission of offence against the applicant, hence, they are not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. As per the case against the applicant, the applicants hunted wild boar, dressed the same and were preparing to divide amongst themselves. Meanwhile, the flying squad of the Forest Department reached the spot and made the seizure of all the articles including meat of hunted wild animal and the weapons used for hunting. On the basis of this, the offence has been registered against the applicants and charge-sheet has been filed after completion of investigation.
6. Considering the nature of the allegations against the applicants and the fact that the offence is triable by the Magistrate, no purpose would be served in keeping the applicants in jail for the entire period of trial and further looking to the fact that they are local residents of the locality and their availability before the trial Court shall not be compromised if they are enlarged on bail. Hence, this appears to be a fit case where the applicants should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one

surety in the like sum to the satisfaction of the concerned trial Court,
for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha