

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4490 of 2017**

1. Sukhdev Lohar S/o Shri Halalkhor Aged About 55 Years By Caste Lohar, R/o Village Salhebhat, Thana Keregaon Civil & Revenue District Dhamtari Chhattisgarh
2. Mahendra S/o Shri Sukhdev, Aged About 34 Years By Caste Lohar, R/o Village Salhebhat, Thana Keregaon, Civil & Revenue District Dhamtari Chhattisgarh
3. Ramgualal Yadav, S/o Shri Dheluram Yadav, Aged About 34 Years R/o Village Salhebhat, Thana Keregaon, Civil & Revenue District Dhamtari Chhattisgarh

---- Petitioners**Versus**

State Of Chhattisgarh Through The Forest Range Office Keregaon,
Forest Division Dhamtari District Dhamtari Chhattisgarh

---- Respondent

For the Petitioners : Shri Sunil Sahu, Advocate.
For the Respondent/State : Shri O.P. Sahu, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.10.2017**

1. Heard.

2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime/ POR No.1447/ 23, 24, 25, registered at Forest Range Office, Keregaon, Forest Division, Dhamtari, Chhattisgarh for the offence punishable under Sections 9, 39 (3)C, 44(1), 51(1) and 52 of the Wild Life Protection Act, 1972.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in this case. The only piece of evidence against the applicants in this case is that the applicants were found in possession of some pesticide, urea and other material which are used in agricultural operations. The applicants are agriculturists and it is normal for them to have these things in their possession. There is no other evidence incriminating them directly in this case. Hence, for these reasons, it is prayed that the applicants be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicants have made admission in their statement before the Forest Officer that they poisoned the water of the pond for the purpose of killing and hunting the wild animal – *Cheetal* and there is seizure of articles from them. Hence, looking to the evidence available against the applicants, they are not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. Considering the case diary statement of the witnesses and the overall substance of the case, I am of the considered view that in this case the applicants deserves to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge