

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4906 of 2017**

Maheshram Rathiya S/o Sukhram Rathiya, Aged About 35 Years, By Caste Kanwar, R/o Village Ongna, Tahsil & P. S. Dharamjaigarh District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Divisional Forest Officer, Dharamjaigarh, District Raigarh Chhattisgarh

---- Respondent

For the Applicant	:	Shri Amit Singh, Advocate
For the Non-applicant	:	Shri Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03/11/2017**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.6743/2017 registered at Police Station - Forest Range Officer Dharamjaigarh, District Raigarh (C.G.) for the offence punishable under Sections 2, 9, 49A, 50 and 51 of the Wild Life Protection Act.
3. Case of the prosecution, in brief is that on 10/01/2017 present applicant, co-accused Parvat Singh and Nepal, to kill the elephant, spread the electric current by hooking into high tension wire resulted one elephant came into contact and died.
4. Learned counsel for the applicant argued that other co-accused

person Parvat Singh and Nepal are already bail out by the co-ordinate Bench of this Court and the case of the present applicant is not different from other co-accused; charge-sheet has been filed and the applicant is in jail since 17/04/2017, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to these circumstances and other facts of the case, there is no possibility of the tempering of the evidence, there is no possibility of the absconding of the said applicant, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge