

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4948 of 2017**

1. Kunjlal S/o Rati Sahu, Aged About 35 Years R/o Village Sonjhari, Police Station & Tahsil S.Lohara, District Kabirdham, Chhattisgarh
2. Ramkumar S/o Gaukaran Sahu, Aged About 25 Years R/o Village Sonjhari, Police Station & Tahsil S.Lohara, District Kabirdham, Chhattisgarh
3. Heeravan S/o Sahru Sahu, Aged About 30 Years R/o Village Sonjhari, Police Station & Tahsil S.Lohara, District Kabirdham, Chhattisgarh
4. Shatruhan S/o Jantu Gond, Aged About 28 Years R/o Village Sonjhari, Police Station & Tahsil S.Lohara, District Kabirdham, Chhattisgarh
5. Ghanshyam S/o Ramsingh Yadav, Aged About 30 Years R/o Village Sonjhari, Police Station & Tahsil S.Lohara, District Kabirdham, Chhattisgarh
6. Rajesh S/o Dhanuk Sen, Aged About 35 Years Caste Nai, R/o Pendritarai, Police Station & Tahsil S.Lohara, District Kabirdham, Chhattisgarh
7. Charan S/o Dhursingh Gond, Aged About 35 Years R/o Village Bigarbharri, Police Station & Tahsil S.Lohara, District Kabirdham, Chhattisgarh

**---- Applicant****Versus**

State Of Chhattisgarh through Forest Range Officer, Range  
Sahaspur Lohara, District Kabirdham, Chhattisgarh

**---- Non-applicant**


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| For Applicant        | : Shri P.P. Sahu, Advocate.           |
| For Respondent/State | : Shri O.P. Sahu, Government Advocate |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai**

**Order On Board**

**25.08.2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No./POR No. 13056/6, by investigating agency Range Officer Forest Range Sahaspur Lohara, Disst. Kabirdham (C.G.) for offence punishable under Section 9, 51, & Section 2 (16) of Wild Life Protection Act, 1972. The applicants 1 to 5 have been arrested on 11.06.2017 and the applicants 6 and 7 have been arrested on 07.06.2017. After investigating charge-sheet has been filed which is pending before the Judicial Magistrate First Class Kabirdham (C.G.), as Criminal Case No. 154/17. As per allegation, the applicants with the help of the Village Dogs killed one Wild Sambhar by club and pelting stone and thereafter they took the said Sambhar to the village. Applicants are the first offenders and will not commit any offence in future. They may be granted an opportunity to remain in bail as trial may take sometimes.
3. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicants and submit that looking to the act of the applicants that they killed one Wild Sambhar for the purpose of hunting and also

took the body of the Sambhar inside the village, the instant MCRC may be dismissed.

4. Perused the entire matter.
5. As the applicants are in custody for more-than two and half months, they are the first offenders with no Criminal past, charge-sheet has been filed, trial may take sometime after consideration of entire material collected during investigation, I am inclined to grant an opportunity so that they shall not involved themselves in any of the offence in future.
6. The applicants are directed to be released on bail on each of them furnishing a personal bond in the Sum of Rs. 50,000/- with two solvent sureties each of Rs. 25,000/- for every applicant, to the satisfaction of the CJM Kawardha, for their appearance before the said Court regularly as and when directed by the said Court.
7. Consequently, instant MCRC is allowed.
8. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reasons. If bail is cancelled automatically in view

of above, the Court below may proceed further under the provisions of law under intimation.

9. Certified Copy as per rules.

**Sd/-**  
**(Chandra Bhushan Bajpai)**  
**Judge**

Pawan