

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5605 of 2017**

- Sarwan Sahu S/o Shri Goverdhan Sahu Aged About 25 Years
Occupation- Agriculture, R/o Village Saraipatera, Police Station-
Sahaspur Lohara, Tahsil- Sahaspur Lohara, District Kabirdham,
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh District Magistrate, District Kabirdham,
Chhattisgarh.

---- Respondent

 For Applicant : Shri Ravi Bhagat, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

13.9.2017

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime/POR No.13056/6 by the investigating agency, Range Officer Forest Range Sahaspur Lohara, Distt. Kabirdham (CG) for the offence punishable under Sections 9 & 51 and Section 2(16) of the Wild Life Protection Act, 1972.

3. Learned counsel for the applicant submits that the applicant has been arrested on 07.6.2017, after investigation charge sheet has been filed against total eight persons including present applicant which is pending before Judicial Magistrate First Class, Kabeerdham as Criminal Case No.154/2017. Other seven -co accused persons were granted bail by this Court in MCRC No.4948/2017 on 25.8.2017. Case of the present applicant is similar to all those co-

accused persons. As per the allegation, present applicant along with seven other accused persons with the help of village dogs killed one wild Sambhar by club and pelting stones and thereafter they took the body of said Sambhar to the village. The applicant is the first offender, he will not commit any offence in future.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant and would submit that looking to the act of the applicant that he killed one wild Sambhar along with other co-accused persons for the purpose of hunting and also took body of the Sambhar to the village, his application for bail may be dismissed.

5. Perused the entire material.

6. The applicant is in custody for three months and seven days, charge sheet has been filed, the trial may take some time for its conclusion, his case is similar to other seven co-accused persons, who were already on bail, and upon considering the other matters, I am inclined to grant one last opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society.

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

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of like sum amount to the satisfaction of concerned trial Judge for his appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant 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 does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE