

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 5761 OF 2017

1. Dhanraj Sahu, S/o Jaysingh Sahu, aged about 28 years, Caste- Telli, R/o Village- Samharbandha, P.S. Oundhi, District Rajnandgaon (C.G.)
2. Bhagwaniram Gaunre, S/o Kriparam, aged about 29 years, Caste- Halba, R/o Village- Samharbandha, P.S. Oundhi, District Rajnandgaon (C.G.)
3. Ramdas, S/o Annturam, aged about 50 years, Caste- Gond, R/o Village- Oundhi, P.S. Oundhi, District Rajnandgaon (C.G.)
4. Mangluram, S/o Dalluram, aged about 62 years, Caste- Gond, R/o Village- Oundhi, P.S. Oundhi, District Rajnandgaon (C.G.)
5. Puneetram Bhandari, S/o Ramadheen Bhandari, aged about 30 years, Caste- Halba, R/o Village- Rajkatta, P.S. Oundhi, District Rajnandgaon (C.G.)
6. Preetam Kumar, S/o Dayaluram, aged about 28 years, Caste- Halba, R/o Village- Cheechwadi, P.S. Oundhi, District Rajnandgaon (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Forest Range Officer, South Manpur, District Rajnandgaon (C.G.)

... Respondent

For Applicants	:	Mr. H.S. Ahluwalia, Advocate.
For Respondent-State	:	Mr. D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/11/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicants who are in jail since 17.8.2017 in connection with Crime No.10109/19 registered at Police Station- Forest Range Officer, South Manpur, District Rajnandgaon, for the offence punishable under Sections 2(16), (32), (35), (36), (37), 9, 50 & 51 of the Wild Life Protection Act.
2. Learned Counsel for the Applicants after arguing for some time prays for withdrawal of the bail application so far as Applicant No.1- Dhanraj Sahu is concerned, with a liberty to revive the same after the material witnesses are examined.

3. So far as the Applicants No. 2 to 6 are concerned, learned Counsel for the Applicants submits that there is nowhere any material in the prosecution case with which the Applicants No. 2 to 6 can be implicated for the offence charged. He further submits that the two independent witnesses examined have not named any of the Applicants except for Applicant No.1-Dhanraj Sahu of having committed the offence charged. He next submits that the identification of the animal seized also is doubtful as there is a discrepancy as to whether it was *Chheetal* which was attacked or was it *Sambhar*. He also submits that the Applicants No.2 to 6 have already remained in custody for a period of about three months. He thus prayed for grant of bail to the Applicants No. 2 to 6.

4. On the contrary, learned Counsel for the State opposing the bail application submits that present is a case where the Applicants have connived together and have attacked, assaulted and killed the *Sambhar* deer and the part of the body of the *Sambhar* deer was also recovered from the place of incident and therefore they do not deserve to be released on bail.

5. Having considered the submissions put forth on either side and on perusal of record, what is reflected is that the two independent witnesses have not named the other Applicants except for Applicant No.1-Dhanraj Sahu of having committed the offence charged and that the only piece of material available in the case diary is the memorandum statement of the accused persons which is being harped and relied upon by the learned State Counsel for opposing the bail application.

6. In the given facts and circumstances of the case, it is a fit case for grant of bail to Applicants No. 2 to 6 only.

7. Accordingly, the application for grant of bail stands allowed so far as Applicants No. 2 to 6 are concerned. It is ordered that the Applicants No. 2 to 6 shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

8. So far as Applicant No.1-Dhanraj Sahu is concerned, the bail application stands dismissed as withdrawn with the aforesaid liberty.

Sd/-
(P. Sam Koshy)
Judge

/sharad/