

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8321 of 2016

- Gaukaran Prasad Sahu S/o Narayan Singh Sahu Aged About 30 Years R/o Sambalpur, Post Nahanda, Police Station Devri, Tahsil, Dondilohahra, Distict Balod Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh S/o Throug: The Station House Officer, Police Station Nagari, District Dhamtari Chhattisgarh.(Wrongly Mentioned The Designation Of The Migistrate)

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 20-9-2016 in connection with Crime No. 73 of 2016, registered at Police Station Nagari, District Dhamtari (CG) for the offence punishable under Section 44/09 & 51 of Wild Life Protection Act, 1972 and Section 26 of the Indian Forest Act, 1927.
2. As per prosecution case, on 20-9-2016 while the applicant along with others was traveling in a Jeep, two live tortoises were found in his possession.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, he was only passenger of the Jeep and seizure was made from Motilal. He would further submit that case of the present applicant is similar to that of other co-accused person namely Gokaran Chaturvedi has

been granted bail by this Court vide order dated 27-11-2016 passed by this Court in M.Cr.C.No. 6686 of 2016, therefore, the applicant may also be released on bail on the ground of parity.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the case of the applicant is similar to the case of co-accused person who has been granted bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 20-9-2016 and further considering the fact that similarly placed co-accused person has been granted bail, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his 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 his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju