

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8599 of 2016

- Motilal Sahu S/o Gajendra Ram, Aged About 32 Years R/o Shantipara, Sambalpur, Tahsil- Bhanupratappur, District- Kanker (Chhattisgarh), --- **Applicant**

Versus

- State of Chhattisgarh Through- The Station House Officer, Police Station- Nagari, District- Dhamtari Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Anil Gulati, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 73/2016 registered at Police Station Nagari, Distt. Dhamtari (C.G) for the offence punishable under Section 44/09 & 51 of the Wild Life protection Act, 1972 & Section 26 of Indian Forest Act, 1927.
2. As per the prosecution case, on 20.09.2016 while the applicant alongwith others was travelling in a Jeep, two live tortoises were found in his possession.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he was one of the passengers of the Jeep. He would further submit that the case of present applicant is similar to that of the other accused persons namely Gaukaran Prasad Sahu and Gokaran Chaturvedi who have been enlarged on bail by this Court in M.Cr.C.No.8321 of 2016 & M.Cr.C.No.8082 of

2016/2016, therefore, this applicant may also be released on bail by this Court.

4. Per contra, learned State Counsel opposes the bail. However, he is not able to dispute the fact that similarly placed co-accused have been enlarged on bail by this Court.
5. Perused the case diary and documents.
6. Considering the facts and circumstances of the case especially the fact that similarly placed co-accused have been enlarged on bail by this Court; the charge sheet has been filed and no further investigation is necessary and looking to the period of detention of the applicant as he is stated to be in jail since 20.09.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**