

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1075 of 2017

1. Lakhan, S/o. Vanmali, Aged About 55 Years.
2. Jogi, S/o. Benudhar Dhruw, Aged About 40 Years.

Both R/o. Village Jogidipa, Police Station Fingeshwar, Tahsil Rajim,
District Gariyaband, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Forest Division Officer, Fingeshwar,
District Gariyaband, Chhattisgarh.

---- Respondent

For Applicants : Mr. K.K.Dewangan, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15/03/2017

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No./ P.O.R. No. 6880/01/31/05/2015 registered at Forest Division- Fingeshwar, District Gariyaband (C.G.) for the offence punishable under Sections 9, 39, 50, 51 of the Forest Animal Protection Act, 1972. The first bail application was dismissed on 17.11.2015 in MCRC No.6068/2015 and second bail application was dismissed on 29.07.2016 in MCRC No.2800/2016.
2. Case of the prosecution, in brief, is that the present applicants along-with two other co-accused have mixed urea into the water of a forest pond and by drinking such water, eight Chhetals and one Ox died and thereafter they took away the dead animals. The incident happened at Reserved Forest Block-34- Khudsa.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated, I.O. has been examined and he has not supported the case of the prosecution, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. On being asked as to how many witnesses have been examined, it is submitted that out of 38 witnesses, only 4 witnesses have been examined.
6. Considering the earlier orders, which were dismissed and taking into above facts, at this stage, any finding of this Court will amount to adjudicate the case on merit while hearing the bail application. Taking into such facts, I do not find any change of circumstances to reconsider the instant third bail application.
7. Accordingly, the bail application is dismissed. However, the trial Court is directed to expedite the trial preferably within a period of six months from the date of receipt of a copy of this order.

Sd/-
(Goutam Bhaduri)
Judge