

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2528 of 2017

1. Sadaram, S/o. Asaduram, Aged About 36 Years,
2. Kishan Lal, S/o. Bhaiyaram, Aged About 28 Years,
3. Prakash, S/o. Sanich Ram, Aged About 30 Years,
4. Bhisham, S/o. Chain Singh Gada, Aged About 42 Years,
5. Pratap, S/o. Vikram Gond, Aged About 27 Years,
All are R/o. Village-Dugli (Chiranpara), Police Station -Dugli, Tahsil – Nagri, District – Dhamtari (C.G.).
6. Kirtan, S/o. Jhumuklal, Aged About 38 Years, R/o. Village Koliyari (Dugli) Tahsil Nagri, Police Station -Dugli, District-Dhamtari Chhattisgarh.

----Applicants

Versus

1. State Of Chhattisgarh, Through : Assistant Forest Range, Dugli, Tahsil -Nagri, District -Dhamtari, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Anil Gulati, Advocate
For Respondent/State	:	Mr. Samir Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/05/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. Forest Crime (POR) No.7947/18, registered at Police Station – Assistant Forest Range Dugli, District – Dhamtari (C.G.) for the offence punishable under Section 26 (1) (क) (च) of Indian Forest Act and Section 2(2) Forest Protection Act and Section 2 (A) & 6 of Protection of Environment Act and Section 3, 4 and Section 3 (1) & (2) of Protection of Damage to Public Property Act. The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet vide order dated 23.03.2017 in M.Cr.C. No.1616/2017.

2. As per prosecution case, it is alleged that the applicants have cut more than 10000 forest trees in reserve forest No. 266 and have encroached upon it which comprised forest range Dugali. Thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and they are settled in the forest area and no damage have been done by the present applicants to the forest. It is further submitted that charge-sheet in this case has been filed and no further investigation is required and the applicants are in jail since 06.02.2017, therefore, the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case and further taking into the fact that charge-sheet in this case has been filed and the applicants are in jail since 06.02.2017, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge