

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4306 of 2017

1. Parvat Singh, S/o. Shri Sukul Singh, Aged About 32 Years, R/o. Village Ongana, Police Station & Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh.
2. Nepal, S/o. Shri Moharsai Rathiya, Aged About 34 Years, R/o. Village- Ongana, Police Station & Tahsil Dharamjaigarh, District Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Forest Ranger, Forest Range-
Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicants : Mr. Manoj Kumar Sinha, Advocate

For Respondent : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.07.2017

1. This is the second 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/P.O.R. No. 6743/2017 registered at Police Station- Forest Ranger, Dharamjaigarh, District Raigarh (C.G.) for the offence punishable under Sections 2, 9, 49-A, 50, 51(1) of the Wild Life (Protection) Act, 1972 & Section 55 of Wild Life (Protection) Rules, 1974. The first bail application was dismissed as withdrawn on 07.03.2017 in MCRC No.1259 of 2017 with liberty to repeat after filing of the charge sheet.
2. As per the prosecution case, on 10.01.2017, the applicants have fenced their field by hooking into high-tension wire of 11000 KV. Consequently, an Elephant came in contact and died. Thereby, the applicants have committed an offence.

3. Learned counsel for the applicants would submit that nothing is on record to show that the applicants have fenced the wire and the land belong to them. It is stated that the land belong to one Rajaram. He further submits that this is the second bail application, the first bail application was dismissed on 07.03.2017 with liberty to repeat the same after filing of the charge sheet and now the charge sheet has been filed and the applicants are in jail since 20.01.2017, therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts & circumstances of the case and the fact that the charge sheet has been filed and the applicants are in jail since 20.01.2017, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge