

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 1934 of 2018**

1. Prem Singh Dhurve S/o Kunwar Singh, aged about 26 years, Caste- Baiga, R/o- Ward No. 10, Bodla, District- Kabirdham, Chhattisgarh
2. Baisakhu Sahu S/o Kartik Ram, aged about 44 years, Caste- Teli, R/o- Ward No. 11, Bodla, District- Kabirdham, Chhattisgarh
3. Suraj Lal S/o Chanduwa Sawra, aged about 55 years, R/o- Ward No. 10, Bodla, Tahsil- Bodla, District- Kabirdham, Chhattisgarh

---- Applicants**Versus**

State of Chhattisgarh through the Forest Officer, Forest Range,
Kawardha, District Kabirdham (CG)

---- Respondent

For Applicant	:	Shri D. C. Verma, Advocate
For Respondent/State	:	Shri Lav Sharma, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****25/04/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who have been arrested in connection with Crime No. Forest Crime (P.O.R) No. 13030/11 registered at Police Station- Forest Officer, Forest Range, Kawardha, District Kabirdham (CG) for the offence punishable under Sections 2 (11), 2 (20), 9, 39(B), 44, 49(B), 50(1) (C), 51, 52 & 57 of Wildlife (Protection) Act, 1972. The applicants are in jail since 06/07.02.2018.

2. The allegation against the present applicants, as per the prosecution, is that they were found in possession of certain articles like moustache, teeth and bones belonging to wild animals which the applicants intended to sell.

3. Counsel for the applicants submits that there is no evidence in the entire case diary to establish the fact that the articles recovered from the possession of the applicants were belonging to a tiger or a wild boar. No report of a forensic expert has till date been obtained. The charge sheet has been filed but the forensic report has not been submitted till date. Counsel for the applicants further submits that the applicants are rustic villagers who have been falsely implicated in the instant case. Thus, prayed for grant of bail to the applicants.

4. State counsel, however, opposing the bail application submits that the applicants were in possession of the articles which they intended to sell. This fact stands proved from the statement of one Dhannu Patel who was offered these articles for sale by the applicants, therefore, they do not deserve to be released on bail.

5. Considering the nature of offence and the period of custody already undergone by the applicants and also the fact that the report of the forensic department establishing the fact that moustache, teeth & bones recovered from the applicants were that of a tiger or a wild boar is still not available, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicants will 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 before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**