

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7778 of 2017**

Ganeshram Patel S/o Shri Sadhram Patel, Aged About 65 Years R/o Village Navadih, Police Station Sarangarh, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Forest Circle Officer, Gomarda Sanctuary Sarangarh District Raigarh Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Roop Naik, Advocate.
For the Respondent/State	:	Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.01.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.4580 of 2018, registered at Forest Circle Office, Gomarda Sanctuary, Sarangarh, District Raigarh, Chhattisgarh for the offence punishable under Sections 27, 29, 31, 50 and 51 of the Wild Life (Protection) Act, 1972.

2. Learned counsel for the applicant submits that the applicant is in jail since 25.11.2017 and he has been falsely implicated in this case. The investigation of the case has not been completed so far. On the basis of the material available in this case, no case is made out against the applicant. The applicant is 65 years old, resident of District Raigarh and there is no likelihood of his absconding. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. On the date of incident, the Forest Officials found a trap of G.I. Wire laid inside the wild life sanctuary for hunting the wild animal. The forest officials after constant vigil caught red-handed the applicant who came near the trap-made for hunting alongwith two other persons. The other two persons fled from the spot. After registration of forest offence, the case is under investigation and the remaining accused persons are still absconding.
6. Considering the submissions made and the contents of the case diary, there is no requirement to keep the applicant in custody for the purposes of investigation, the offences are triable by the Judicial Magistrate First Class, the applicant is resident of District Raigarh and there is no difficulty in his availability during trial, I am of the considered view that the application deserves to be allowed.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge