

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3618 of 2018**

Deopal Cherwa S/o Late Hiralal Aged About 53 Years Occupation- Agriculture And Labour, Caste-Cherwa, R/o- Village- Salgawan Khurd, (Lalmattapara), Outpost- Ramgarh, P.S. And Tahsil- Sonhat, District- Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station- Sonhat, Outpost- Ramgarh, District- Koriya, Chhattisgarh.

---- Non-applicant

For Applicant:	Shri Pushkar Sinha, Advocate.
For State/Non-Applicant:	Shri Vijay Bahadur Singh, Panel Lawyer.

Single Bench: Hon'ble Shri Sanjay Agrawal, J**Order On Board****20.08.2018**

1. The Applicant has filed this application under Section 439 of Code of Criminal Procedure for grant of bail as he is in custody since 16.02.2018 in connection with Crime No.20/2018 registered at Police Station –Sonhat for the offence punishable under Sections 9, 39(b) and 51 of the Wild Life (Protection) Act, 1972 (hereinafter referred to as 'the Act, 1972')
2. Case of the prosecution is that on 16.02.2018 during the patrolling for searching of naxalites and their activities, an information was received that applicant has killed the wild animal and kept the pelt of the same at his parrot. On account of the said offence, an FIR was lodged against the applicant in connection with the offence punishable as mentioned above.
3. Learned Counsel for the Applicant submits that the Applicant is innocent and has been arrested in connection with the said crime. It is submitted further

that the entire proceeding has been initiated in violation of the provisions prescribed under Section 50 of the Act, 1972, therefore, the applicant is entitled to be enlarged on bail. He submits further that the alleged pelt has been recovered in open place and apart from this, the attesting witness of the seizure memo has turned hostile, the applicant may be released on bail as he is in jail since 16.02.2018.

4. On the other hand, learned counsel for the State has opposed the said bail application and stated that during the patrolling of the search team, it was found that the applicant has killed the wild animal and kept the pelt of the said animal at his parrot, therefore, he is not entitled to be released on bail.

5. I have heard learned counsel for the parties and perused the entire case diary carefully.

6. Having considered the facts and circumstances of the case and that by considering the nature of the offence punishable under the Act, 1972 and considering further that since the pelt of the animal was recovered from the parrot owned by the applicant, I am not inclined to enlarge him on bail. Accordingly, the instant M.Cr.C is rejected.

Sd/-
(Sanjay Agrawal)
Judge