

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3771 of 2018**

1. Gammatlal S/o Shri Jeevanlal Aged About 55 Years Caste- Uraon, R/o- Village- Teliyamar Pasan, Police Station- Pasan, District (Revenue And Civil)- Korba, Chhattisgarh.
2. Jaisingh S/o Lathu Aged About 50 Years Caste- Uraon, R/o- Village- Bankheta, Police Station- Pasan, District (Revenue And Civil)- Korba, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through- Deputy Ranger Pasan Range,
Police Station- Pasan, District (Revenue And Civil)- Korba,
Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Vinit Kumar Pandey, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**21/08/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 14823/2008 registered at Deputy Ranger Pasan Range, Police Station Pasan , District Korba (C.G.) for the offence punishable under Sections 09, 51 of Wild Life Protection Act, 1972.
3. Case of the prosecution, in brief is that on 04/02/2018 near about 5 p.m. applicants and co-accused Ahibaran Uraon @ Parsapaniha had led the clutch wire in compartment No. P163 of Bankheda Forest for hunting wild boar. Two bears stuck, one was died and another was

injured.

4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, charge-sheet has been filed and applicant is in custody since 24/07/2018, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that there is no antecedent against the present applicant.
6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no likelihood of the accused to abscond and tamper the evidence and the trial will take its own time and applicant is in jail since 24/07/2018, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if each of the applicants furnishes two solvent sureties for a sum of Rs. 25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Court with the condition that they shall appear before the trial Court at 11.00 am as and when directed till trial and they would cooperate during the trial, they shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge