

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 4443 OF 2018

Vinod Kumar S/o Ramprasad Bhutriya Aged About 25 Years R/o- Village Badvahi, P.S. Janakpur, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur).

... Applicant

Versus

State Of Chhattisgarh Through-Van Parikchetra Adhikari, Janakpur, Distt. Korea (CG).

... Respondent

For Applicant	:	Smt. Usha Chandrakar, Advocate.
For Respondent-State	:	Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/07/2018

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 12.05.2018 in connection with Crime No.(POR No.) 15794/0 registered at Van Parikshetra Janakpur, PS Janakpur, Distt. Korea for the offence punishable under Sections 9,39,50 and 51 of the Wild Life Protection Act, 1972.
2. The allegation as per prosecution is that, the applicant is said to have killed Leopard in village Badvahi, PS Janakpur. The case of the prosecution is that, on the previous day the Leopard is said to have killed one cow of the present applicant in the forest and therefore to take revenge, the applicant is said to have placed some poison on the meat of the cow which the Leopard is said to have came and ate in the night and thereafter died. Later on, the applicant is said to have destroyed the evidence by throwing away the poisonous meat and also burnt to body of Leopard in the forest.

3. Learned Counsel for the applicant submits that except for the memorandum statement in the case diary there is no evidence whatsoever collected by the prosecution against the present applicant with which he could be implicated in the instant case. Further, no recovery whatsoever has been made from the possession of the applicant or from his house with which the incident could be co-related, and therefore, the applicant be released on bail.
4. The State counsel however opposes the application on the ground that present applicant is said to have killed one of the protected animal of the forest and that there is a memorandum statement where he has admitted his guilt.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that except for the memorandum statement, there does not appear to be any evidence available against the applicant, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge