

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 909 of 2018

- Govindram S/o Daniram Patel Aged About 37 Years R/o Village Sahaspani, P. S. And Tehsil Srangarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Forest Officer, Gomarda Abhyakaran, Srangarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Rajat Agrawal, Advocate.
For Respondent/State : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

29/08/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Criminal Case No.459/2018 registered at Police Station-Forest Zone Officer, Gomarda Abhyakaran, Sarangarh, District – Raigarh(C.G.), for the offence punishable under Sections 29, 31, 39, 50 & 51 of Wildlife Protection Act, 1972.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The place from where the flesh and bones were seized is admittedly the house of this applicant, but the applicant was not present at the time of seizure. Other co-accused, who were present there and arrested by the police have

already been released on bail by the concerned Court. He further submits that only on the basis of recovery of flesh, rest of the story has been concocted by the prosecution. Hence, this applicant be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard the parties and perused the case diary.
5. On the date of incident, upon receiving a secret information the officials raided and searched house of the applicant. Two containers containing meat and bones were found in the house of this applicant which were seized accordingly. Seized articles were sent to FSL for confirmation whether the flesh found in the boxes is of any wild animal, but the report has not been received yet and the investigation is not complete.
6. Considering the material present in the case diary and statements of witnesses, I am of this view that this is a fit case where applicant should be released on anticipatory bail .
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha