

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6253 of 2018

- Lalit Dhru S/o Shri Ramcharan Dhru Aged About 33 Years R/o Village Amori, Post Turenga, Police Station Patewa, Tahsil And Civil And Revenue District And District Mahasamund, Chhattisgarh.
- Mithilesh Bariha, S/o Shri Ganeshram Bariha Aged About 40 Years, R/o Village Sarekel, Post- Turenga, Police Station Patewa, Tahsil And Civil And Revenue District And District Mahasamund , Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Police Station Patewa, Tahsil And Civil And Revenue District And District Mahasamund ,Chhattisgarh.

---- Respondent

For Applicants	:	Shri Jameel Akhtar Lohari, Advocate
For State/Respondent	:	Shri Bhaskar Payashi, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

09/10/2018

1. The applicants have preferred their first bail application under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 103/2018 registered at Police Station- Patewa, District – Mahasamund, (C.G.) for the offence punishable under Sections 09, 39, 49, & 51 of the Wildlife (Protection) Act, 1972.
2. As per the prosecution story, on 27.07.2018, Investigating Officer of the case received a secret information that three unknown persons were carrying a white plastic bag containing skin of panther and other articles on a motorcycle bearing registration No. CG 06/GA/0360 and they were in search of a buyer to sell out those articles. The Investigating Officer caught Applicants near Village Serekel road. Upon interrogation of the three

persons, the Investigating Officer found the information to be correct. Accordingly, Crime No. 103/18 has been registered. From the joint possession of both the Applicants and co-accused Anjan Singh, one skin of panther, two teeth of leopard and nails have been seized. From the possession of co-accused Anjan Singh, two bow & arrow, knives, jaw were also seized. Chare-sheet has already been filed before Judicial Magistrate First Class, Mahasamund, Chhattisgarh.

3. Learned counsel appearing on behalf of the applicants submits that the Applicants are innocent and have been falsely implicated in the present case, they are in custody since 28.07.2018 and trial will take some time. Therefore, they may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. Considering the entire facts and circumstances of the case, particularly considering the fact that the Applicants are in custody since 28.07.2018 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
6. Accordingly, the bail application is allowed.
7. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one solvent surety in the like sum to the satisfaction of the Trial Court for their appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge