

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.6056 of 2018**

1. Mahadev S/o Bogati Aged About 27 Years R/o- Village Torand, P.S. Badedongar, District- Kondagaon, Chhattisgarh.
2. Arjun S/o Kapoor Chand Aged About 41 Years R/o- Village Torand, P.S. Badedongar, District- Kondagaon, Chhattisgarh.
3. Dhansingh S/o Mangau Ram Aged About 52 Years R/o- Village Torand, P.S. Badedongar, District- Kondagaon, Chhattisgarh.
4. Shyamlal S/o Punaauram Aged About 31 Years R/o- Village Torand, P.S. Badedongar, District- Kondagaon, Chhattisgarh.
5. Sukau Ram S/o Ankalu Aged About 22 Years R/o- Village Torand, P.S. Badedongar, District- Kondagaon, Chhattisgarh.
6. Manher S/o Duwaru Aged About 23 Years R/o- Village Torand, P.S. Badedongar, District- Kondagaon, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through- The Range Officer Badedongar Forest Division Keshkal District- Kondagaon, Chhattisgarh.

---- Non-applicant

For Applicants : Mr. Pravin Kumar Tulsyan, Advocate.

For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and their no bail application is pending before any other Court.
2. The applicants have been arrested in connection with Crime No.P.R.10375/02 registered in Police Station Range Officer Badedongar Forest Division Keshkal, District Kondagaon for the offence punishable under Sections 26(1)(f)(h) of Indian Forest Act, 1927 and Section 3(1) of Damages to Public Property Act, 1984.

3. Prosecution story in brief is that the applicants had cut the forest trees and shrubs for the agriculture purpose. They are encroaching the forest land and doing cultivation in Forest of Badedongar in Forest Area No.49 & 50.
4. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be released on bail.
5. Counsel for the State submitted that three criminal cases of similar nature under the Indian Forest Act have already been registered against the applicants hence they are not entitled for grant of bail.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. Offences are triable by JMFC.
8. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicants.
9. Accordingly, the present bail application filed under Section 439 of the CrPC is allowed.
10. It is directed that if the applicants furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- each to the satisfaction of the concerned Trial 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 co-operate during the trial, they shall be released on bail.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-