

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7220 of 2018

- Ramlal Binjhwar S/o Pardeshi Ram Aged About 36 Years R/o Village Keshaldeeh, Police Station Tumgaon, Tahsil And District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Forest Range Mahasamund Distirct Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	: Shri Gurudev I.Sharan, Advocate
For Respondent	: Smt. M.Asha, PL.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

27/10/2018

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.POR No. 9639/19/2018 registered at Forest Area, Mahasamund (CG) for the offence punishable under Sections 2 (16B), 09,39,49 & 51of the Wild Life Protection Act.

As per prosecution case, on 20.07.18, on information being received by the Assistance Forest Range Officer, he went to the village Kesaldeeh along with the staff and found one elephant was dead in the field of Bheekam. It is further case of the prosecution that ivory, four bamboos and GI wire were seized from the applicant and other accused persons.

Counsel for the applicant submits that the applicant wasnot having any

intention to kill the elephant and it was only to protect his fields from the wild animals, he had constructed the fence with electric wire. He further submits that the applicant is in jail since 30.07.2018 and the trial will take time for final disposal and therefore he may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicant, I am inclined to release him on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 20,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge