

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7361 of 2018

1. Bhikham S/o Gurbaru Khadiya Aged About 35 Years R/o Village Keshaldih Police Station Tumgaon Tahsil And District Mahasamund Chhattisgarh.
2. Hiralal S/o Shivprasad Binjharwar Aged About 31 Years R/o Village Keshaldih Police Station Tumgaon Tahsil And District Mahasamund Chhattisgarh.
3. Tularam S/o Asharam Binjharwar Aged About 70 Years R/o Village Keshaldih Police Station Tumgaon Tahsil And District Mahasamund Chhattisgarh.
4. Bhojram S/o Gurbaru Khadiya Aged About 45 Years R/o Village Keshaldih Police Station Tumgaon Tahsil And District Mahasamund Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Forest Ranger, Forest Range Mahasamund, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants : Shri Vikash Pradhan, Advocate.
For Respondent/State : Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/11/2018

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with P.O.R. Case no. 9639/2019, registered at Police Station Forest Range Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 2 (16-b), 9, 39, 49 and 51 of the Wildlife Protection Act.

2. As per prosecution story, on 20.07.2018, Assistant Range Officer received an information, on the basis of said information he along with other forest officials went to the spot and found that one elephant is lying dead in the field of Applicant No. 1. On being enquired, it was found that the present Applicants along with other co-accused person namely Ramlal were spread electric wire for protecting their field from wild animals negligently, an elephant touches the electric wire due to this, the elephant was died. The Applicants are in custody since 21.07.2018.
3. Learned counsel appearing on behalf of the Applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that the other co-accused person namely Ramlal has already granted benefit of bail by this Court vide order dated 27.10.2018 passed in M.Cr.C. No. 7220/2018, present applicants are in custody since 21.07.2018, charge-sheet has already filed and trial will take some more time, therefore, they may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the other co-accused namely Ramlal has already granted benefit of bail by this Court, present applicants are in custody since 21.07.2018, charge-sheet has already filed and trial will likely to take some more time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.

8. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety for 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