

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8008 of 2017

- Appu Dewar S/o Santram Dewar, Aged About 24 Years R/o Village Dewarpara, Village Fingeshwar, P. S. Fingeshwar, District Gariyaband Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Regional Forest Officer, Fingeshwar, Forest Division District Gariyaband Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Ms. Aparajita on behalf of Mr. Arun Kochar,
Advocate.
For Respondent : Mr. N.K. Mehta, Panel Lawyer.

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

05/03/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Forest Crime No.6876/2016 read with 6880/2015, registered at Police Station– Regional Forest Officer, Fingeshwar, Forest Division, District– Gariyaband(C.G.) for the offence punishable under Sections 9, 50, 51 of Wild Life Animal Protection Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 12.2.2017. He is local resident of District-Gariyaband. Complaint has already been filed before the concerned Court, after the completion of investigation and the trial against this applicant has made no progress so far. Hence, it is prayed that applicant released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant has a criminal antecedent about having two preventive proceedings against him under the provisions of CrPC. Hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident officers of Forest Division, District-Gariyaband made a seizure of 3 dead mongoose and 5 dead wild cats, on that basis case was registered against him. After completion of investigation, complaint has been filed before the Court.
6. Considering the entire material present in the case diary, applicant is in jail since more than one year and looking to the facts that the trial against him has made no progress so far, further, he is local resident of District-Gariyaband, for these reasons, I am of this view that this is a fit case where applicant should be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge