

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1418 of 2018**

Sunil Kumar Jaiswal, S/o. Late Shri Manishankar Jaiswal, Aged About 48 Years, R/o. Civil Line Manendragarh, Post and Tahsil Manendragarh District Korea Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through Up Van Mandaladhikari, Up Van Mandal Manendragarh District Korea Chhattisgarh.

---- Respondent

For Applicant	: Mr. F.S. Khare, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/11/2018**

1. Apprehending arrest in connection with Crime No.POR No. 15877/2004, registered at Police Station – Up Van Mandladhikari, Up Van Mandal, Manendragarh, District – Korea (C.G.) for offence punishable under Section 26 (1) (च) of Indian Forest Act, 1927 and Section 3 of Prevention of Damage to Public Property Act, 1984, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The offence under Forest Act is bailable in nature, whereas the offence registered under Section 3 of Prevention of Damage to Public

Property Act, 1984 is not made out as the forest produce does not come under the definition of public property, which is defined under the Act, 1984. Hence, there is apprehension, therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. It is alleged that the applicant was transporting teak wood illegally in his own vehicle, which was seized by the forest officials from the spot while the applicant has made his escape. Hence, this case
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present on record and considering the definition of public property given in the Act, 1984, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram