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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1515 of 2018**

1. Dulchand, S/o. Goverdhan, Aged About 32 Years
2. Chhabilal, S/o. Madan Lal, Aged About 55 Years,
3. Bhaiya Lal, S/o. Madan Lal, Aged About 52 Years,
4. Ramkaran, S/o. Ghasiram, Aged About 38 Years,
5. Devgan, S/o. Asharam, Aged About 27 Years,
6. Fulchand, S/o. Goverdhan, Aged About 35 Years,
7. Kailash @ Kailash Ram, S/o. Lakhmu, Aged About 30 Years,
(Complete Name Of The Applicant Is Not Mentioned).
8. Bhukhau, S/o. Birsingh, Aged About 45 Years,
9. Kishan, S/o. Bishal, Aged About 40 Years,
10. Dayaram, S/o. Punitram, Aged About 28 Years,
All are R/o Village Ujrawan, Police Station Mechka, District
Dhamtari, Chhattisgarh.
11. Lakhan Lal, S/o. Mehattar Ram, Aged About 49 Years, R/o. Village
Mandagiri, Police Station Mechka, District Dhamtari, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Office Of Forest Ranger, Forest Range
Arsikanhar (Udanti, Sitanadi Tiger Reserve), Headquarter Sankara, Police
Station Sihava, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Anil Gulati, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, P.L.

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

05/12/2018

1. Apprehending arrest in connection with Crime No. P.O.R. No. 8398/2015, registered at Police Station – Office of Forest Ranger, Forest Range Arsikanhar (Udanti, Sitanadi Tiger Reserve, Head Quarter Sankra, Police Station – Sihava, District – Dhamtari (C.G.) for offence punishable under Section 27, 29, 31, 38, 51, 52 of the Wild Life Protection Act, 1972 and Section 3 (1) (A) of Damage to Public Property Act, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. There is no such evidence that these applicants had felled the forest trees and caused loss to the State exchequer and only for the reason that these applicants had encroached upon the forest land to construct their dwelling place, they have been held accountable for the felling the forest trees. Therefore, it is prayed the applicants 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. As alleged that this applicants felled the trees to clear the forest area to make their dwelling on the forest land because of which they have caused loss of Rs.65,26,635/- to the State.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the POR

diary of the forest offence, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

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 applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge