

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 99 of 2019

- Sanjay Rathiya S/o Late Ganeshram Rathiya, Aged About 25 Years, Occupation - Agriculturist, Permanent R/o - Village - Paruwa, Police Station Chhal, Tahsil Dharamjaigarh, District - Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Forest Zone Officer of the Forest Zone - Chhal, District - Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Abhishek Saraf, Advocate.

For Non-applicant/State – Shri I. Lakra, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-02-2019

1. Apprehending arrest in connection with P.R.O. No.13997/14/18, registered by Forest Zone, Chhal, District Raigarh, Chhattisgarh for offence punishable under Section 9/51 of the Wild Life Protection Act, 1972, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. In fact the appellant had established a connection for his tubewell. No trap was laid for killing of any wild animal, it has been wrongfully interpreted by the forest officials. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. On 19-12-2018 one wild animal came with the contact with the lose electricity wire in the fields of this applicant and was electrocuted to death. Hence, this case.

6. The investigation is going on as to the connection was with respect to the tubewell or it was a trap laid, but for the present I feel inclined to allow this

application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge