

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 911 of 2019**

- Krishna Jain S/o Moti Ram Jain Aged About 42 Years Caste Kalaar, R/o Village Hatkogera, Police Station, Tehsil And District Kanker Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Forest Range Officer, Forest Department Kanker , District Kanker Chhattisgarh

.....Non Applicant

For the Applicant : Shri Sandeep Yadav, Advocate

For Non Applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****20.02.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.12006/2008 registered at Police Station- Forest Department Kanker, District- Kanker (C.G.) for the offence punishable under Sections 9, 39 (1) 'अ' 'ब' (3) अ, स, 51, 52 of Wild Life Protection Act 1972.
3. Case of the prosecution, in brief is that applicant fenced his courtyard by barbed wire. He had also connected electric wire to barbed wire and flowed current in the barbed wire. On 20.01.2019 two male bear stuck in that barbed wire and died due to electric current.
4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in this case, offence is triable by JMFC, thus, he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
6. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
7. Certified copy as per rules.

Sd/-**(Sharad Kumar Gupta)**
Judge

Parul