

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1306 of 2019

1. Jeevan Lal Rathiya S/o Shri Bhajan Singh Rathiya Aged About 34 Years Occupation- Agriculturist/Laborer, R/o Village Kondhra, P/s And Tahsil Dharamjaigarh, District- Raigarh, Chhattisgarh.
2. Mahettar Rathiya S/o Shri Tulsiram Rathiya Aged About 22 Years Occupation- Agriculturist/Laborer, R/o Village Kondhra, P/s And Tahsil Dharamjaigarh, District- Raigarh, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Forest Division Officer- Dharamjaigarh, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Abhishek Saraf, Advocate.
For Respondent/State	: Mr. Amit Singh, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/03/2019

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with forest crime No. 3951/2016, registered at Police Station– Forest Division Officer, Dharamjaigarh, District- Raigarh (C.G.) for the offence punishable under Sections 2, 9, 49 A, 50 & 51 of the Wild Life Protection Act, 1974.
2. As per prosecution story, in the year of 2016 an elephant died in the field of the applicants due to electricity shock spread through GI wires on their field. On the basis of said, crime has been registered against the applicants in the year of 2016, thereafter, during course of investigation, the applicants have been arrested on 07.01.2019.
3. Learned Counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the

case. On the basis of evidence collected by the prosecution *prima facie* no offence under Section 2, 9, 49 A, 50 & 51 can be made out against the applicants. The incident is of the year 2016 and after three years the applicants have been arrested. He further submits that the applicants have no criminal antecedents, they are in custody since 07.01.2019, charge-sheet has been filed and trial will take some time. Therefore, they may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicants are in custody since 07.01.2019, charge-sheet has been filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge