

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1402 of 2019**

Tarapad Mandal S/o Late Anant Mandal Aged About 62 Years R/o Village Talda (Wrongly Mentioned As Salda In Impugned Rejection Order), Police Station Basanti 24, Pargana, At Present R/o Village Ravindra Nagar, Police Station Jaynagar , Tahsil And District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Forest Department, Forest Range, Jaynagar, District Surajpur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri V.K. Pandey, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**13/03/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.12051/22 registered at Police Station Forest Department, Forest Range, Jaynagar, District Surajpur (C.G.) for the offence punishable under Section 02(16), Section 09 & 51 of Wild Live (Protection) Act, 1972.
3. Case of the prosecution, in brief is that applicant was collecting dates juice from the dates tree by affixing earthen ware jar. The dates juice was drink by bears climb up the dates tree, thus he mixed poison in earthen jar due to consumption of poison in dates juice, two adult bears were died.
4. Counsel for the applicant submits that he is innocent and falsely implicated in the present case. He further submitted that no poison was seized from the applicant, postmortem report of bears is doubtful. There is long gap between date of incident and statement of applicant, offence is triable by Judicial Magistrate First Class and applicant is old person, thus he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
 Judge