

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4994 of 2019**

- Kishore Dewangan S/o Late Shivram Dewangan Aged About 58 Years R/o Near Khallari Temple, House Of Vicky Lalwani, Changorabhata, Raipur District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Moudhapara, District Raipur Chhattisgarh

---- Non Applicant

MCRC No. 5028 of 2019

- Subhash Tiwari S/o Shri Parshuram Tiwari Aged About 45 Years R/o Ward No. 3 Ramanujganj, Police Station Ramanujganj District Balrampur Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer Police Station Moudhapara, District Raipur Chhattisgarh

---- Non Applicant

MCRC No. 5161 of 2019

- Amarjeet Sahu S/o Banshi Lal Sahu Aged About 45 Years R/o Village Ansula, Post Rikokala, Tahsil And District Mahasamund Chhattisgarh At Present R/o Bhatagaon, Radhaswami Colony, Police Station Purani Basti, Raipur, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Moudahapara, Raipur Chhattisgarh

---- Non Applicant

MCRC No. 5291 of 2019

- K.M.Bhattacharya S/o Late Shri S. K. Bhattacharya, Aged About 58 Years R/o Steel City, Police Station Telibandha, Tahsil And District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Moudahapara, Raipur Chhattisgarh

---- Non Applicant

For the Applicants	:	Mr. Y. C. Sharma, Mr. Rakesh Kumar Jha, Mr. Raghvendra Pradhan and Mr. Arvind Dubey, Advocates
For Non Applicant	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

29.08.2019

1. Since all the four bail petitions arise out of the same crime No., of same Police Station they are being disposed off by this common order.
2. MCRC No.5291/2019 is second bail application of applicant K.M. Bhattacharya. Others are first bail applications of co-accused Kishore Dewangan, Subhash Tiwari and Amarjeet Sahu under Section 439 of the Cr.P.C. preferred by the other applicants before this Court and no other bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No. 111/2019 registered at Police Station-Moudhapara, District-Raipur (C.G.) for the offence punishable under Sections 39, 51 of Wild Life Protection Act 1972.
4. Case of the prosecution, in brief is that applicant had taken skin of pangolin from Amarjeet Sahu, Manager of the hotel Vinar at Raipur to see it for sale. On the memorandum of the applicant skin of one pangolin was seized from him on 10.05.2019 by sub-inspector Ramchand Sahu posted at Police Station Maudhhapara.
5. As per the seizure of applicant Amarjeet Sahu the size of skin is 5 inch x 5.5.inch. As per the seizure of applicant K.M. Bhattacharya the size of skin is 4.5 inch x 5 inch. As per the letter addressed to S.H.O. Maudhhapara, written by D.F.O., Raipur dated 21.05.2019 seized articles were scales. Prima facie it appears that one scale was seized from applicant K.M. Bhattacharya and one scale was seized from the applicant Amarjeet Sahu.
6. The complicity of the applicants Kishore Dewangan, Subhash Tiwari is described in the memorandum of Amarjeet Sahu and K.M. Bhattacharya.
7. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.

8. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
9. Looking to this fact that skin was not seized from applicant K.M. Bhattacharya and Amarjeet Sahu, actually one scale was seized from Amareet Sahu and one scale was seized from K.M. Bhattacharya, this Court finds that these circumstances are sufficient to enlarge the applicant K.M.Bhattacharya on bail in second round of litigation.
10. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, this Court finds that applicants Kishore Dewangan, Subhash Tiwari and Amarjeet Sahu are also entitled to get benefit Section 439 Cr.P.C.
11. It is directed that if each applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned Court with the condition that they will appear before the trial Court at 11:00 am as and when directed till trial and they would cooperate during the trial, they be released on bail.
12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

PM