

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5597 of 2019

- Mangal Singh Oti S/o Sukalu Singh Aged About 50 Years R/o Dumaghat Police Station- Indaganv, District- Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Devbhog, District- Gariyaband, Chhattisgarh.

---- Respondent

MCRC No. 5599 of 2019

1. Kheer Singh & Anr. S/o Lakhidhar Markam Aged About 60 Years R/o - Madangmuda, Police Station - Devbhog, District Gariyaband Chhattisgarh.
2. Khamman Singh S/o - Devi Singh Gond Aged About 48 Years R/o - Village Dumarghat, Police Station Indaganv, District Gariyaband Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Devbhog, District Gariyaband Chhattisgarh.

---- Respondent

For Applicants : Mr. Shubham Pandey on behalf of Mr. Pawan Kesharwani, Advocate.
For Respondent/State : Mr. B.L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

18/11/2019

1. Since both the petitions (MCRC Nos. 5597/2019 & 5599/2019) arise out of the same Crime No.(53/2018), they are being disposed of by this common order.
2. 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 crime No. 53/2018 registered at Police Station – Devbhog, District Gariyaband (C.G.) for the offence punishable under Sections 9, 44, 51 & 52 of Wild Life (Protection) Act, 1972 (in short, the Act, 1972)

3. According to the prosecution story, on 27/04/2018, on the basis of secret information received from an informant, Police personnel, Devbhog, Gariyaband arrested the applicants selling uncurled trophy of a leopard and seized two leopards trapped in the net whereby, skin of one leopard from the possession of applicant Kheer Singh and another from the possession of applicant Khamman Singh and one iron axe, 6 wires were seized from the possession of applicant Mangal Singh. Thereafter, offence was registered against the applicants.
4. Learned counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that the applicants are in jail since 27.04.2018 and trial will take some time, therefore, they may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, the detention period of the applicants and further considering the fact that all the allegations are triable by Judicial Magistrate First Class and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
8. Accordingly, the bail application is allowed.

9. It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- each, 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/-
(**Rajani Dubey**)
Judge