

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5617 of 2019

- Rikhi Ram Gond S/o Devi Ram Gond Aged About 45 Years R/o Village Mohlai, Police Station Keregaon, Tahsil Nagri District Dhamtari Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Forest Range Officer, Keregaon, District Dhamtari Chhattisgarh.

---- Respondent

MCRC No. 5948 of 2019

- Bhola Ram S/o Laxman Gond Aged About 32 Years R/o Village Mohlai, Police Station Keregaon, Forest Range Keregaon, tahsil Nagri, District- Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Forest Range Officer, Keregaon, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicants : Mr. Anil Gulati, Advocate.
For Respondents/State : Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

06/11/2019

1. Since both the petitions (MCRC Nos. 5617/2019 & 5948/2019) arise out of the same Crime No.(1477/2003), 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. 1477/2003 (in MCRC No. 5617/2019

mentioned as P.O.R. No. 1477/2003) registered at Police Station – Forest Range Officer Keregaon, District Dhamtari (C.G.) for the offence punishable under Sections 9, 39 (3) स , 44(1), 51(1), 52 of Wild Life (Protection) Act, 1972 and Section 33 of Indian Forest Act, 1927.

3. According to the prosecution story, the applicant mixed the poisonous substance in the water, due to which, after consuming the water, 11 chital (deer) died. After investigation charge-sheet has been filed and the applicants have arrested.
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 applicant is a farmer and none of the witnesses had seen the applicant while mixing the poisonous substance in the water sources of the Chital (deer). Applicant Rikhi Ram Gond is in custody since 08.06.2019 and another Applicant namely Bhola Ram is in custody since 10.06.2019. They have no previous antecedent 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 submitting that the seizure article seized from the possession of applicants shows that their intention was to kill the Chital (deer) and to sell their parts.
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 the offence is 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

Vijay Sahu