

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8232 of 2019**

- Gopal Mandal S/o Vidhan Mandal Aged About 34 Years R/o Village Sarguli, D.N.K., P.S. Raighar, District Navrangpur Odisha.

---- Applicant

Versus

- State Of Chhattisgarh Through The Forest Zonal Officer Amravati, Forest Divisional Officer Kondagaon, District Kondagaon, Chhattisgarh

---- Respondent

MCRC No. 8432 of 2019

- Jaydev Pujari S/o Meghnath Pujari Aged About 48 Years R/o Village Kachar Para Navrangpur, Odisha.

---- Applicant

Versus

- State Of Chhattisgarh Through The Divisional Forest Officer, Forest Area Amarawati District- Kondagaon, Chhattisgarh.

---- Respondent

MCRC No. 484 of 2020

- Dharam Singh Rathore S/o Chaitu Ram Rathore, Aged About 29 Years R/o Bijapur Police Station Makdi, District - Kondagaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Regional Forest Officer, Amravati, Forest Division, District - Kondagaon Chhattisgarh.

---- Respondent

For Applicants.	:	Mr. Raza Ali, Mr. Dharmesh Shrivastava on behalf of Mr. P.K. Tulsyan & Mr. Rahil Kochar, Advocate.
For Respondent/State	:	Mr. Vinod Kumar Tekam PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04.02.2020**

1. The accused/applicants have moved these first bail applications under Section 439 of the Code of Criminal

Procedure for releasing them on regular bail during trial in connection with Forest Crime No. 17323/01 registered at Divisional Forest Officer forest area Amrawati, District Kondagaon (C.G.) for the offence punishable under Sections 9/51, 39/51, 43/51, 44/51, 48/51, 52/51 of Wild Life Protection Act 1972.

2. The prosecution story in nutshell is that, complainant has lodged complaint case before the Forest Range, a detailed search was conducted by the forest department and it is alleged that a Pangolin, an animal included as Item No. 28 in Schedule-I Part I of the Wild Life Protection Act, was found concealed inside. During the investigation, it was revealed that the endangered animal was hunted and it was being trafficked by accused persons. Thereafter, offence has been registered against them, and they have been arrested.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the prosecution has failed to establish factum of entrustment and the factum of theft/kill of wild animal therefore necessary elements constituting the offense must be strictly proved and therefore the charges against the present applicants are vague. Applicants Gopal Mandal, Dharam Singh Rathore & Jaydev Pujari are in jail since 09.11.2019, 10.11.2019 & 10.11.2019 respectively and they are ready to furnish adequate surety and shall abide by all the directions and conditions imposed upon them by the Court, therefore, the present applicants may also be granted bail.
4. On the other hand, counsel for the State oppose the bail application.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention

period of the applicants and further considering the fact that the offence is triable by Judicial Magistrate First Class, as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the said Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu