

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1600 of 2020

- Arshad, S/o Mohammad Shafee Khan Mushalman, Aged About 22 Years R/o Sinodha, Police Station - Patewa Mahasamund District - Mahasamund Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - The Forest Range Barnawapra, District - Balodabazar - Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Shri Anukul Biswas, Advocate
For Respondent/State	: Shri Anand Verma, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

04/06/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. POR No. 1986/2019 registered at police station Forest Range Barnawapara, district Balodabazar-Bhatapara (CG) for the offence punishable under Sections 9,27,31,39,50,51 and 52 of the Wild Life Protection Act 1972.

As per prosecution case, the applicant and other co-accused persons have hunted three deers in the forest area of Barnawapara.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the applicant is in jail since 08.01.2020; charge sheet has been filed; the offence is

triable by the Magistrate and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnishing in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re: Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks' from today.

Sd/-
(Rajani Dubey)
Judge