

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1874 of 2020**

1. Tularam, aged about 55 years, S/o Tedgu, resident of Gram Bhaarsundi, P.S. Raighar, District Navrangpur (Odisha)
 2. Narsing aged about 55 years, S/o Laxman, resident of Gram Aachala, P.S. Raighar, District Navrangpur (Odisha)
- Both Caste Gound.

---- Petitioners**Versus**

- State Of Chhattisgarh Through : The Range Officer Forest Department, Circle Indagaon, District Gariyabandh (C.G.)

---- Respondent

For Applicants	:	Shri Anjinesh Shukla, Advocate
For Respondent	:	Shri Siddharth Dubey, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****10/06/2020**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with P.O.R. (Cr. No.) (Forest) No. 14271/2018 registered at Police Station Gariyabandh (C.G.) for the offence punishable under Sections 27, 29, 31, 38(K), 39 read with 51 of Wildlife Protection Act, 1972.
2. The allegation against the present applicants is that they encroached upon the reserve forest at forest range of Udanti Sitanadi Tiger Reserve and have cut the trees and destroyed the habitants of the forest and also caused loss to the forest. Based on this, offence has been registered. The present

applicants have been taken into custody on 26.11.2019.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He also submits that the applicants are ready to furnish adequate security and shall abide by all the directions and conditions which may be imposed by this Hon'ble Court. He further submits that the applicants are in jail since 26.11.2019, charge sheet has been filed and there is no likelihood of their case being decided in near future. Therefore, also they may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact the applicants are in custody since 26.11.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each with one local surety for the like amount to the satisfaction of the trial Court/remand court for their appearance before the said Court as and when directed, till the final disposal of trial.

9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished 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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Pekde