NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 579 of 2020

Mohammad Firoz Meman S/o Late Mohammad Ahmad @ Babla, Aged about 40 years R/o Ward No. 08, House No. 120 Mainpur, P.S. Mainpur, District Gariyaband (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station Civil Lines, Raipur, Tahsil and District Raipur (C.G.).

---- Respondent

For Applicant : Mr. Sandeep Yadav, Advocate
For Respondent : Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order

24/06/2020

1. The matter is heard through video conferencing.

2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 534/2019 registered at police station – Civil Lines, District Raipur (C.G.) for the offence punishable under Sections 9, 49 & 51 of the Wild Life Protection Act.

3. According to the case of the prosecution, co-accused Shabbir Ali and other persons were carrying cubs of Leopard on a motor-cycle from Raipur to Gariyaband. During search, cubs were found and seized from their possession. It is alleged that the applicant had given the said cubs of Leopard to the co-accused persons for selling. On this background, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated. He further submits that on the memorandum statement of co-accused Shabbir, cubs were seized from other co-accused persons and those co-accused persons have already granted regular bail by the Court. He further submits that prima-facie no offence is made out against the applicant.

5. Learned counsel appearing on behalf of the State opposes the said application.

6. I have heard counsel for the parties.

7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties, particularly considering that the cubs of Leopard were seized from co-accused persons not from the applicant and co-accused persons have already granted regular bail by the Court, without further commenting on other merit of the case, I am inclined to release the applicant on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed.

9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

i. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;

ii. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

iii. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

iv. The applicant shall appear before the trial Court on each

and every date given to him by the said Court till disposal of the trial.

10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul