

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3175 of 2020**

- Janakram S/o Mohitram Gond, aged about 26 years, R/o Village Bhangitola, P.S. Kukdur, Tahsil Pandariya, District Kabirdham Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through- Van Mandal Anubhag, Van Parichhetra Pandariya, District Kabirdham Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. F.S. Khare, Advocate.
For Respondent/State	:	Mr. K. K. Singh, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17.06.2020**

1. Registry has pointed out the default.
2. Learned counsel for the applicant submits that he will remove the default within two days.
3. Heard.
4. Admit.
5. The applicant has filed this first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Forest Crime No. 16043/2005 registered at Van Mandal Anubhag, Van Parichhetra Pandariya, District Kabirdham (C.G.) for the offence punishable under Sections 02(16), (32), (33), (34), (35) of Forest Act & 09, 50-B, 51 of Wild Life Protection Act 1972.
6. The prosecution story in brief is that in the intervening night

of 13-14/02/2020 the present applicant along with other co-accused hunted a male Sambhar deer in the Dobri Forest, took it in the hut of Santram and ate by the accused persons and their family. Based on that, after investigation, offence has been registered and he has been arrested.

7. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question because he was not involved in any such incident. He next submits that he has been arrested only on the basis of doubt as he is a friend of other co-accused person, except that, nothing has been seized from the possession of applicant. He also added that, the applicant is in jail since 17.02.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
8. On the other hand, State counsel strongly opposes the bail application.
9. I have heard learned counsel for the parties and perused the record.
10. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, as applicant is in jail since 17.02.2020 and 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 applicant on bail. Accordingly, the application is allowed.
11. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial

Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

12. 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.

13. Certified copy, as per rule.

Sd/-
(Rajani Dubey)
Judge