

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3260 of 2020**

1. Denial, S/o Nohar Singh, Aged About 45 Years, R/o Lohartoala, Tehsil-Dondilohara & District- Balod, (C.G.).
2. Manbhavan, S/o Pahalwan Nareti, Aged About 38 Years, Caste-Gond, R/o Village- Lohartola, Tehsil- Dondilohara, District- Balod, (C.G.).

---- Applicants**Versus**

- State of Chhattisgarh Through: Forest Range Dondilohara, District-Balod, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Jitendra Shrivastava, Adv.
For Respondent/State	: Mr. K. K. Singh, G. A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01.07.2020**

1. Heard on admission.
2. Admit.
3. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 8/21 registered at Police Station- Forest Range Dondilohara, District- Balod, (C.G.) for the offence punishable under Section 52 of I.P.C. & Section 9, 51 of Wild Life Protection Act, 1972.
4. The prosecution story, in brief is that, on 15.05.2020, at about 7.00 PM, the present applicants have been stopped by the Forest Range Dondilohara. On investigation, they were found in possession of one dead wild animal. Thereafter, offence has been registered against the present applicants and they have been arrested.
5. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the charge-sheet has been filed and the offence has been triable by the Judicial Magistrate First Class. The applicants are in jail since 15.05.2020, there is no likelihood of their case being

decided in near future, therefore, the present applicants may be released on bail.

6. On the other hand, counsel for the State opposes the bail application and the submission is made in this respect. The allegation against the applicants is of serious in nature, therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the charge-sheet has been filed and the applicants are in jail since 15.05.2020 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 applicants on bail. Accordingly, the application is allowed.
9. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.
10. It is made clear that if the applicants have 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), they 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 they have not furnished the bail bonds earlier, then they will be required to furnish bail bonds within four weeks from today.
11. Certified copy, as per rule.

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