

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4948 of 2020**

- Patiram Rathiya S/o Late Jageswar Rathiya Aged About 43 Years R/o Village Behramaar, Police Station Chhal, Tahsil Dharamjaigarh, District Raigarh, Civil And Revenue District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Forest Range Officer Chhal, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Ashutosh Mishra, Advocate.
For Respondent/State	:	Mr. H. S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13.08.2020**

1. The default as pointed out by the Registry has been overruled.
2. Heard.
3. Admit.
4. 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 P.O.R. No. 14099/21 registered at Forest Range Chhal, District Raigarh (C.G.) for the offence punishable under Sections 09 & 51 of Wild Life Protection Act.
5. As per prosecution case, the allegation against the

present applicant is that he fence the G.I. electric wire intentionally to protect the jack fruit situated in the backyard of his house without any safety signals, due to that, an elephant came into the contact of electric wire and died.

6. 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 the elephant entered the backyard of the house of applicant which is not situated under the forest area, therefore the offence under Wild Life Protection Act are not attracted. He also added in his submission that, the applicant is in jail since 19.06.2020 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.
7. On the other hand, State counsel strongly opposes the bail application.
8. I have heard learned counsel for the parties and perused the record.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, as applicant is in jail since 19.06.2020 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.

10. 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.

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

Vijay Sahu