

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5509 of 2020**

1. Bhawani S/o Baratu Ram Diwan Aged About 40 Years Resident Of Village- Gaydabri, Police Station- Chhura, District- Gariyaband, Chhattisgarh
2. Lalsingh S/o Bishat Ram Kanwar Aged About 45 Years Impugned Order Wrongly Mention, Resident Of Village- Gaydabri, Police Station- Chhura, District- Gariyaband, Chhattisgarh
3. Aatmaram Diwan S/o Bisahuram Diwan Aged About 40 Years Resident Of Village- Gaydabri, Police Station- Chhura, District- Gariyaband, Chhattisgarh
4. Ghanshyam S/o Shatrughan Singh Aged About 25 Years Resident Of Village- Gaydabri, Police Station- Chhura, District- Gariyaband, Chhattisgarh
5. Tikesh S/o Amar Singh Gond Aged About 25 Years Resident Of Village- Gaydabri, Police Station- Chhura, District- Gariyaband, Chhattisgarh
6. Bhagwatram S/o Dhansingh Aged About 32 Years Resident Of Village- Gaydabri, Police Station- Chhura, District- Gariyaband, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- The Ranger, Forest Range, Panduka, District- Gariyaband, Chhattisgarh

---- Respondent

For Applicants	:	Shri K.K.Dewangan, Advocate
For State	:	Shri Gagan Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****08/10/2020**

Heard.

1. The applicants have been arrested in connection with Crime No./POR No.12434/13 registered at Police Station – Forest Range, Panduka, District – Gariyaband (CG) for alleged commission of offences under Section 9, 50, 51 of Wildlife Protection Act, 1972 and Section 2-16 (A) (C), 2-20 of Wildlife Protection (Amendment) Act, 2002.

2. Prosecution case is that the applicants killed a wild animal which is said to be protection under the Wild Life Protection Act and thereby committed offence as alleged.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated. The allegations that the applicants killed the wild animal is not based on any evidence and only on the basis of recovery of dead body of the animal, it has been assumed that the applicants killed the animal. It is next submitted that investigation is complete, charge sheet has been filed and therefore, at this stage, the applicants may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that the wild animal was recovered from the possession of the applicants, therefore, *prima facie* case is made out.

5. Taking into consideration the nature of allegations, maximum punishment imposed and also considering that investigation is complete, charge sheet has been filed, I am inclined to grant bail to the applicants.

6. Accordingly, the application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) They shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge