

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7056 of 2020

- Gaurishankar Sahu S/o Sanyasi Aged About 43 Years R/o Village Rampur (Dipapara), Thana And Tahsil Pithora, District Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Forest Ranger, Forest Range- Pithora, District Mahasamund Chhattisgarh

---- Non-applicant

For Applicant : Mr. Vikash Pradhan, Advocate.

For Non-applicant/State : Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 27.09.2020 in connection with Crime No. P.O.R. No.9696 of 2016, registered at Police Station- Forest Range- Pithora, District- Mahasamund, C.G. for offence punishable under Sections 09, 39, 50 and 51 of Wildlife Protection Act, 1972.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case and no case is made out against the applicant. There is no recovery of any incriminating article from the possession of this applicant. He has been falsely implicated on the basis of the statement given by the co-accused in the memorandum which is not admissible under law. He is in jail since 27.09.2020, therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, one female elephant was found dead

in the field of this applicant because of the electrocution. The Forest Department made seizure of articles which were meant to hunt wild animals by use of live electric wire connected with an electric pole, from the other co-accused persons. Hence, this case.

6. After considering the statements and the facts present in this case and also that the charge-sheet has been filed, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed, on condition as imposed by the concerned Court.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge