

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7434 of 2020**

1. Super Kathale S/o Chintaram Aged About 34 Years R/o Village Jhalri, Tahsil Lorami, Police Station Lorami, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
2. Rupesh Chelkar S/o Bhuru Satanami Aged About 28 Years R/o Village Jhalri, Tahsil Lorami, Police Station Lorami, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
3. Lalu S/o Bhuru Satanami Aged About 24 Years R/o Village Jhalri, Tahsil Lorami, Police Station Lorami, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
4. Dhanraj Chelkar S/o Shivprasad Aged About 34 Years R/o Village Jhalri, Tahsil Lorami, Police Station Lorami, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
5. Bodhava S/o Ujjain Aged About 32 Years R/o Village Jhalri, Tahsil Lorami, Police Station Lorami, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh
6. Bhardwaj S/o Ujjain Aged About 30 Years R/o Village Jhalri, Tahsil Lorami, Police Station Lorami, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Forest Range Khudiya District Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Respondent

For Applicant : Shri Amit Kumar, Advocate
 For Respondent/State: Shri Lalit Jangde, GA

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****08/12/2020**

Heard.

1. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No./POR No.15076/2017 registered at Police Station Forest Range Khudiya, District Mungeli for the offence punishable under Section 26(1)(A)(F) of Indian Forest Act, Section 5, 16(A) of Chhattisgarh Vanopaj Vyapar Adhiniyam, 1969 and

under Section 2(C), 7, 55(2), 58 of Jaiv Vividhata Adhiniyam, 2002. The applicants were arrested on 05-10-2020.

2. Case of the prosecution is that the police and the forest official caught the applicants in the forest as they were removing 14 Nos. of wooden log of teak wood without any authority under the law. It is alleged that the applicants were neither possessed of licence nor they have purchased timber from any forest depot.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and they have not committed any offence. He further submits that false seizure of teak wood has been made from the applicants. He lastly submits that the applicants are in jail since 05-10-2020, investigation is complete, charge sheet has been filed and further custodial interrogation of the applicants is not necessary, because seizure of wood have already been made and no further investigation is required to be made for recovery of any incriminating article from the possession of the applicants. In these circumstances, the applicants may be granted bail.

4. On the other hand, learned State counsel opposes the bail application by submitting that in view of the seizure of 14 Nos. of wooden log of teak wood from the possession of the applicants and the fact they were trying to remove the timber from the forest depot without any authority under the law, prima facie case is made out against the applicants.

5. Taking into consideration the submission made by learned counsel for the parties, particularly the nature of offence and further taking into consideration the maximum punishment, which could be awarded to the applicants for the alleged offence and also considering the fact that the applicants are in jail since 05-10-2020, investigation is complete, charge sheet has been filed and further custodial interrogation of the applicants is not necessary, I am inclined to enlarge the applicants on bail.

6. Accordingly, the bail application(M.Cr.C.No.7434 of 2020) 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/- with one local surety for the like amount to the satisfaction of the Trial Court on the condition that they shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

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