

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1668 of 2019**

- Mohammad Firoz Meman S/o. Late Mohammad Ahmad @ Babla Aged About 40 Years R/o Ward No. 08, House No. 120 Mainpur P.S.-Mainpur, District-Gariyaband Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through- Deputy Director Udanti Sitanadi Tiger Reserve Gariyaband, District- Gariyaband Chhattisgarh.

---- Respondent

For Applicant	: Shri Sandeep Yadav, Advocate
For Respondent/State	: Shri Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**28/01/2020**

1. The applicant has preferred this first bail application filed under Section 438 of Cr.P.C. for apprehending arrest in connection with P.O.R. No. 14200/15 registered at Police Station Udanti Sitanadi Tiger Reserve Gariyaband, District – Gariyaband, (C.G.) for offence punishable under Sections 9, 27, 29, 31, 48(a), 49, 51, 52 of Wildlife Protection Act.
2. Facts of the case, in brief, is that Forest Department, Gariyaband registered the P.O.R. No. 14200/15 against co-accused persons namely Krishna, Kanthdhar, Jhagru Ram, Tasil, Belar and Laxminarayan as they were involved in the sale and purchase of cub of the leopard, which comes under the Schedule -1 of Wildlife Protection Act. After their arrest, they disclosed the fact that present applicant is also involved in the commission of offence of sale and purchase of cub of the leopard. On the basis of the said, present applicant has been implicated in the present case.
3. Learned Counsel appearing for the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. He further submits that applicant has been implicated in the present case only on the basis of statements given by other co-accused persons. Apart from this, no such material is available against applicant. It is further submitted that cub of the leopard has been seized from the other accused person in other case. Thus, no evidence is available against applicant which can connect him in the crime in question. Looking to the above, it is prayed that applicant may be released on anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that applicant has been implicated in the present case only on the basis of statement given by other accused persons, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on his furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such fact to the Court,
 - (ii) He shall not act in any manner which may be

prejudicial to fair and expeditious trial, and

- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash