

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1911 of 2019

Anil Kumar Yadav S/o Soharai Yadav, aged about 32 years, R/o Sargawa,
P.S-Pasta, District-Balrampur, Ramanujganj (C.G.)

---- Applicant

Versus

State Of Chhattisgarh through Forest Area Officer, Forest Area- Kodaoura,
District-Balrampur, Ramanujganj (C.G.)

---- Respondent

For Applicant	: Mr. Aman Upadhyay, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/02/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 16531/2018, registered at Police Station: Forest Area Officer, Forest Area- Kodaoura, District-Balrampur, Ramanujganj (C.G.) for the offence punishable under Section 17 (A), 27, 31, 51 of Wildlife Protection Act, 1972, Section 26 (1) (a) (f) (5), 41, 42 of Indian Forest Act, 1927 as well as Section 3 (1) (a) of Prevention of damage to Public Property Act, 1984.
2. As per the prosecution story, it is alleged that the present Applicant along with other co-accused person had cut specified timber amounting to Rs.1,00,000/- within the reserved forest area of Semarsot Sanctuary. Further allegations are the present Applicant along with other persons committed unauthorized enter in the sanctuary which affected the wild life. On the basis of said background, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that there is no evidence available on record on the basis of which it can be said that the present Applicant had committed the crime-in-question. He also

submits that the main culprits were the co-accused and the Applicant was only seen at the place of incident but there was no connection of the Applicant in the said crime, therefore, he prays for grant of anticipatory bail to the Applicant.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by counsel for the parties and particularly considering that there is no evidence available on record against the Applicant on the basis of which it can be said that the Applicant had committed the said crime, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicant 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 facts to the Court or to any police officer;
 - III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicant 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