

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8150 of 2019**

1. Pardeshi Ram, S/o. Shri Ratan Singh Thakur, aged about 39 years, R/o Village – Arjuni Gidhouri, Thana – Gidhouri, Distt. - Baloudabajar – Bhatapara (C.G.)

2. Anand, S/o. Shri Ramadhin Bariha, aged about 35 years, R/o Village – Arjuni Gidhouri, Thana – Gidhouri, Distt.- Baloudabajar – Bhatapara (C.G.)

---- Applicant**Versus**

The State of Chhattisgarh, through the Forest Officer, Forest Circle Arjuni, Distt.- Balodabajar – Bhatapara (C.G.)

----Non-applicant

For Applicant	:	Mr. Sumit Shrivastava, Advocate.
For Non-applicant	:	Mr. Vaibhav Kartike Agrawal, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****03/02/2020**

(1) The accused/applicants have preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime / POR No 15544/2014 registered at Forest Officer, Forest Circle, Arjuni, Distt.- Balodabajar - Bhatapara for the offence punishable under Sections 9, 50 and 51 of Wild Life Protection Act, 1972

(2) Case of the prosecution, in nutshell, is that officers of the Forest Department, Forest Circle Arjuni namely Laxmi Prasad Shrivastava, Forest Guard has made a complaint stating inter alia that at the time of patrolling he saw the wire at Room No. 356 Shakti Nala connected with the electricity current for the purpose of hunting the wild life animal and at about 5.45 pm the applicants were collecting the said wire so the forest officer caught hold the applicants and on the basis of which, seized 3.520 kg. GI wire, Medicine Box and cutting instruments i.e.

Hasiya, cement bags from the possession of the applicants and thereafter the forest officers arrested them and sent them to jail.

(3) Counsel for the applicants submits that the accused/applicants have been falsely implicated in the crime in question as there is no evidence on record to connect the applicants with the crime in question. He submits that the applicants have no previous criminal antecedents and offence alleged against them is triable by the Judicial Magistrate, First Class and applicants are in detention since 28.11.2019 and trial is likely to take some time for its final disposal and, therefore, the applicants may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the nature and gravity of the offence, in particular the facts that applicants are languishing in jail since 28.11.2019; there is no criminal antecedents against the accused/appellants and the trial is likely to take some time for its final disposal and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(7) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

