# HIGH COURT OF MADHYA PRADESH

**M.Cr.C. No. 43856/2020**

*(CHANDAN SARYAM Vs THE STATE OF MADHYA PRADESH)*

**PRESENT : HON. SMT. NANDITA DUBEY, J (THROUGH VIDEO CONFERENCING)**

**Jabalpur, Dated : 02.12.2020**

Shri Sharad Gupta, learned counsel for the applicant.

Shri Manu V. John, learned Panel Lawyer for the respondent/State.

Heard.

The applicant has filed this first bail application under section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody since 05.10.2020 in connection with Crime No./POR No.47035/05 registered at Police Station Kurai (Samanya) Forest Division District, Seoni for the offences punishable under Sections 2, 9, 39, 50 and 51 of the Wild Life Protection Act, 1972.

As per prosecution, the dead remains of endangered animals were found in possession of the present applicant.

Learned counsel for the applicant submits that his father has collected all these remains from the forest and was using it for the purpose of making medicine. It is stated that after the death of his father he followed in his foot steps.

On the other hand, learned Panel Lawyer opposed the bail application. It is submitted that the dead remains mentioned in the

FIR belongs to the endangered species mentioned in Schedule (I) and (II) of the Wild Life Protection Act.

However, going through the case diary and the statement recorded, since only dead remains were found and there is no allegation that the present applicant has hunted or killed the wild animals, this application is allowed.

It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand only) with one surety in the like amount to the satisfaction of the trial Court for his presence before the said Court on all the dates of hearing fixed in this regard during the trial.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by him.
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending 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 the Police Officer, as the case may be;
4. The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically without further reference to the Bench.
5. The applicant will not seek unnecessary adjournments during the trial; and

6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

7. The learned concerned Magistrate and the prosecution are directed to ensure following of Covid-19 precautionary protocol prescribed from time to time by the Supreme Court, the Central Govt. and as well as the State Government.

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Mr. Manu V. John, learned Panel Lawyer, on their respective e-mail address, for intimation to the Police Station concerned. The office is also directed to forward a copy of this order to the learned Court below.

Certified copy/e-copy as per rules/directions.

**(Nandita Dubey)**
**Judge**

Digitally signed by BHARTI GADGE
Date: 2020.12.02 16:54:04 +05'30'