

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 217 of 2021

1. Jhangaluram Yadav S/o Shri Firturam Yadav Aged About 51 Years,
2. Sakharam S/o Shri Mangaluram Patel ,Aged About 35 Years,
3. Vishram S/o Shri Kirtan Yadav, Aged About 43 Years,
4. Dilmohan S/o Shri Bharat Patel, Aged About 29 Years,
5. Bhesram S/o Shri Bhojram Patel, Aged About 29 Years,
6. Sonsingh S/o Shri Pitamber Yadav, Aged About 33 Years,
7. Jaganu S/o Shri Jhaduram Yadav, Aged About 40 Years,

All are R/o Village Chanhath, Thana Kasdol, District Baloudabazar Bhatapara (Chhattisgarh).

----Applicants

Versus

1. The State Of Chhattisgarh, Through The Forest Officer, Forest Region Sonakhan, District Balodabazar-Bhatapara (C.G.).

---- Non-Applicant

For Applicants	:	Mr. Sunil Sahu, Advocate.
For Non-Applicant/State	:	Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order On Board

12/03/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicants for grant of bail as they are in custody since 24/12/2020 in connection with Crime/POR No. 15593/06 registered at Forest Officer, Forest Region Sonakhan, District Balodabazar-Bhatapara (C.G.) for the offence under Sections 9, 44, 50, 51 & 52 of Wild Life Protection Act, 1972.

- 2) Case of the prosecution, in brief, is that on 23/12/2020 the Forest officials upon receiving secret information that one female Sambhar has been killed through electric current and its meat is being cooked at Bhatakhari in village Chanhat, they reached the spot and apprehended applicant Jhangaluram Yadav. On the statements of Jhangaluram Yadav other applicants who were involved in the said offence were also arrested and from their house and Badi the body parts of female Sambhar, wire, axe bamboo sticks etc. were seized and the offence have been registered against the applicants.
- 3) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. He submits that the applicants are in jail since 24/12/2020, and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
- 4) On the other hand, learned counsel for the State opposes the bail application. She submits that there is one criminal antecedent against the accused No. 1 Jhangaluram Yadav, No. 2 Sakharan, No. 5 Bhesram & No. 7 Jagannu under POR No. 13195/02 dated 02/11/2016 registered at Forest Officer, Forest Region Sonakhan (Kasdol), District Balodabazar-Bhatapara (C.G.)
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation leveled against the applicants, the age of the applicants as well as their detention period, and the fact that there is one criminal antecedent against the accused No. 1 Jhangaluram Yadav, No. 2 Sakharan, No. 5 Bhesram & No. 7 Jagannu as above which is of the year 2016 and there is no apprehension of their absconding or tampering with the evidence as admitted by the counsel for the parties and the trial is likely to take some time for disposal, without commenting anything on merits of the case, this Court is of the opinion that present is a fit

case for grant of bail to the applicants. Accordingly, the application is **allowed**. It is directed that in the event of **each** of the applicants executing a personal **bond** for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- i. they 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 from disclosing such fact to the Court,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall not involve themselves in any offence of similar nature in future.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant