

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 151 of 2021

1. Jageshwar S/o Shri Dayaram Binjhwar Aged About 22 Years
2. Radhe S/o Shri Jhangalu Gond, Aged About 46 Years
3. Kamal Singh S/o Late Shri Gotani Lal Binjhwar, Aged About 51 Years

All are R/o Village - Ganjardih, Thana Gidhour, District - Baloudabazar - Bhatapara Chhattisgarh. (Wrongly Mentioned Jangardih In Order), District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- The State Of Chhattisgarh, Through The Forest Officer, Forest Region Arjuni, District - Balodabazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

--Non-Applicant

For Applicants	: Shri Sumit Shrivastava, Advocate
For Non-Applicant/State	: Shri Sudhir Sahu, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12.02.2021

- 1) At the very outset, learned counsel for the applicants seeks to withdraw the bail application filed on behalf of applicant No.2- Radhe.
- 2) Accordingly, the bail application filed on behalf of applicant No.2- Radhe is dismissed as withdrawn.
- 3) Heard the bail application filed on behalf of applicant No.1- Jageshwar and applicant No.3- Kamal Singh.
- 4) The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 22.12.2020 in connection with Crime No.15584/03, registered at Police Station- Forest officer, Forest Region Arjuni, District Balodabazar- Bhatapara (CG) for the offence punishable under Sections 9, 44, 50, 51 of Wild Life Protection Act, 1972.

- 5) Case of the prosecution is that on 15.12.2020 at about 7.00 am, the officers of the forest department, Arjuni received information regarding carrying meat of wild pig near village Ganjardih by some persons and on search the applicants were found in possession of wild pig meat carrying in plastic bags and they prey the wild pig by electrocution and chopping with axe. Based on this, offence was registered and the applicants were taken into custody.
- 6) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have not committed any offence. He further submits that the body parts of the wild pig have been sized from the open place and nothing has been seized from the possession of the applicants. He submits that as the applicants have been arrested on 22.12.2020 and trial is likely to take some time for its final disposal, therefore, the applicants may be released on bail by this Court.
- 7) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. However, he accepts that there are no criminal antecedents against the applicants.
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicants; yet charge sheet has not been filed and the fact that there are no criminal antecedents of the applicants as admitted by both the counsel, I am inclined to grant bail to the applicants. Accordingly, the bail application filed on behalf of applicant No.1- Jageshwar and applicant No.3- Kamal Singh is allowed.
- 9) It is directed that in the event of applicant No.1- Jageshwar and applicant No.3- Kamal Singh 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:-

(a) 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.

(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

10) In the result;

➔ The bail application filed on behalf of applicant No.2- Radhe is dismissed as withdrawn as mentioned above.

➔ The bail application filed on behalf of applicant No.1- Jageshwar and applicant No.3- Kamal Singh is allowed on the aforesaid terms and conditions.

Sd/

**(Gautam Chourdiya)
Judge**