

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 37 of 2021**

- Ratnesh Kumar Gupta S/o Shri Laxmi Narayan Gupta, Aged About 45 Years R/o. Pandari, Police Station Civil Line, Raipur, District Raipur Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh, Through - The Station House Officer, Forest Range, Pandari, District Raipur Chhattisgarh

---- Respondent

For Applicant
For Respondent/State

Mr. TK Jha, Advocate
Mr. Arijit Tiwari, Panel Lawyer

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****3/3/2021**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.Forest Crime (POR) No.6282/05 registered at Police Station Forest Range, Pandari, District Raipur (CG) for the offence punishable under Sections 39, 44, 49 & 49(B) of the Wild Life Protection Act, 1972.
3. The applicant was allegedly found selling body parts of wild

and marine animals. According to the applicant, he is engaged in selling gems and *rudraksh* in his Shop Nos.122 and 123, whereas, the recovery has been made from Shop No.124, which belonged to his late father Laxmi Narayan Gupta. It is further argued that when the recovery was made from his father's shop on 29.8.2018, the applicant was arrested and released on bail on the said date itself. However, now the concerned forest officials are likely to arrest him again after more than 2 years of the incident. It is also argued that the recovered articles are nowhere described as parts of endangered marine or wild animals. The articles are generally sold in sea beaches and/or in village markets.

4. Learned counsel for the State would oppose the prayer for grant of bail. He would submit that the case diary contains statements of the servants, who were working in Shop Nos.122 and 123, wherein, they have stated that the said shops were operated by the present applicant.
5. Considering that the offence was registered more than 2 years back and at that time, the applicant was released on bail by the forest authority and also for the fact that the recovered articles are not the body parts of any wild animals except for the intestine of the wild cat, I am inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on

anticipatory bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) he shall make himself available for interrogation by a Police Officer as and when required;
- (ii) he 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 for disclosing such facts to the Court or to any Police Officer.
- (iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna