

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 464 of 2021

1. Ahibaran, S/o Ghasiyalal Jagat, Aged About 32 Years, Cast Gond,
2. Godo @Subran S/o Bihari Aged About 30 Years Cast Binjhar

Both R/o Village Dudumchuwa, Police Station Saraipali, District Mahasamund Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Forest Ranger, Forest Range, Saraipali, District Mahasamund Chhattisgarh.

---- Non-Applicant/State

For Applicants	: Shri Vikash Pradhan, Advocate
For Non-Applicant/State	: Shri C.B. Kesharwani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09.03.2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 20.11.2020 in connection with Crime No. 14338/01 registered at Police Station- Forest Range- Saraipali, District- Mahasamund (C.G.) for the offence punishable under Section 9, 50, 51 of Wildlife Protection Act, 1972 and 7, 55 (2), 58 of Biological Diversity Act, 2002.
- 2) Allegation against the applicants is that they were involved in killing of wild animal one Tendua and one Gaur by use of electric current, thereafter, they burnt Bisan (Gaur) and hide Panther (Tendua) with stones.
- 3) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question, they have

not committed any offence. Learned counsel for the applicants further submit that the applicants have no criminal antecedent, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, the applicants have been arrested on 20.11.2020, charge-sheet has already been filed and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application and submits that the applicants are responsible for killing two wild animal i.e. Panther (Tendua) and Bison (Gaur).
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicants, who are 30 & 32 years old, the fact that the applicants have no criminal antecedents, charge-sheet has already been filed, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, without commenting anything on merits of the case, application is allowed.
- 6) It is directed that in the event 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:-
 - (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.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim