

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 631 of 2021

1. Patthar Singh, Aged about – 50 years, S/o Itwariram Dhruw
 2. Dhanbeer Singh Dhruw, Aged about 32 years, S/o Bahur Singh
 3. Lekhuram Pathari, Aged about 40 years, S/o Sonau
All R/o Village – Kanakot, P.S. Palari, District Baloda Bazar Bhatapara (C.G.)
- Applicants**

Versus

- State of Chhattisgarh, Through – In-charge Police Station Forest Range Ronhansi, District Baloda Bazar Bhatapara (C.G.)
- State/Non-applicant**

For Applicant	:	Shri Ravindra Sharma, Advocate
For Non-Applicant/State	:	Shri Sudhir Sahu, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

08.03.2021

1. Counsel for the applicants has filed an application (I.A. No. 01/2021) for amendment in the bail application. In this application, it has been stated that while filing the instant bail application, inadvertently in para-3 of the bail application the date of arrest of the applicants wrongly mentioned as 21.12.2021 in place of 20.12.2020 and in the memo of application, Police Station has also wrongly been mentioned as Bhatapara-Champa in place of Baloda Bazar-Bhatapara. He has also filed an application (I.A. No. 02 of 2021) for grant of exemption from filing affidavit in support of the amendment application. In this view of the matter, the aforesaid amendment may be permitted in the bail application.
2. On due consideration, I.A. No. 01/2021 & I.A. No. 02/2021 are allowed and counsel for the applicants is permitted to amend the date of arrest of the applicants as 20.12.2020 and the Police Station as Baloda Bazar-Bhatapara in the bail application in the Court itself.
3. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 20.12.2020 in connection with Crime No.

P.O.R. 1968/01 dated 20.12.2020 registered in Police Station- Forest Range Ronhansi, District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 9, 39, 44, 49-B(e), 50 & 51 of Wild Life Protection Act.

4. Case of the prosecution is that on 20.12.2020 the concerned police received a secret information from the informant that applicant No. 1 Patthar Singh has kept meat of Deer in his house which he hunted by use of electric current. On the basis of such information, the concerned police reached the spot and after searching the house of applicant No.1 Patthar Singh, the police found 50 Kg meat of deer and other articles which he used to hunt the deer. During investigation, the memorandum statement of applicant No.1 Patthar Singh was recorded in which he disclosed the name of applicants 2 & 3 i.e. Dhanbeer Singh Dhruw & Lekharam Pathari and on said memorandum, they have also been made accused in this crime.
5. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 20.12.2020, and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the detention period of the applicants, charge-sheet has already been filed and conclusion of the trial is likely to take some time, and that there is no apprehension of the applicants tampering with the evidence or absconding and also they have no criminal antecedents as admitted by both the counsel, without expressing any opinion on merits of the case, the applications are allowed.
8. 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:-

- 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.
- they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- 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.

Sd/-
(Gautam Chourdiya)
Judge

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