

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2107 of 2021

1. Kartikram Sidar S/o Rameshwar, Aged About 27 Years, R/o Village Mauhadipa, Police Station Saraipali, District Mahasamund (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Forest Ranger, Forest Range Saraipali, District Mahasamund (C.G.).

---- Non-Applicant

For Applicant : Mr. Vikash Pradhan, Advocate.
For Non-Applicant/State : Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

05/07/2021

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this **Second Bail Application** under Section 439 of Code of Criminal Procedure, 1973. The First Bail Application i.e. MCRC 8831/2020 was dismissed as withdrawn on 01/02/2021.
- 3) The applicant is arrested on 30/10/2020 in connection with P.Q.R. Case No. 13384/24 registered at Police Station Forest Range, Saraipali District Mahasamund (C.G.) for the offence punishable under Section 9, 50, 51 & 52 of Wild Life Protection Act, 1972.
- 4) Case of the prosecution, in brief, is that present applicant alongwith other co-accused namely Haridayal Sidar and Bhagwat Sahu entered the forest premises at Saraipali and laid the live electric wire at a distance of about 2 kms and in the said process one wild animal Sambhar came in contact with said wire

and died. During investigation, as per statement given by applicant Kartikram and co-accused Haridayal, one leopard and one bison were found in dead condition at the place of occurrence in room No. 353.

- 5) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the applicant 27 years old has been arrested on 30/10/2020, charge sheet has been filed and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.
- 6) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that applicant has **one** criminal antecedent.
- 7) Heard Counsel for the parties.
- 8) Considering the facts and circumstances of the case, the detention period of the applicant who is 27 years old, charge sheet has already been filed, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, applicant has one criminal antecedent and that conclusion of trial may take some time due to COVID-19 Pandemic, the application is **allowed**. It is directed that in the event of the applicant executing a personal **bond** for a sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-
 - i. 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 from disclosing such fact to the Court,
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. he shall appear before the trial Court on each and every

date given to him by the said Court till disposal of the trial.

- iv. he shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority.
- v. he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant