

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2182 of 2021

1. Radhe S/o. Shri Jhangalu Gond, Aged About 46 Years, R/o Village Ganjardih, Thana Gidhouri, District Balodabazar-Bhatapara (C.G.).

---- Applicant

Versus

1. The State Of Chhattisgarh, Through The Forest Officer, Forest Region Arjuni, District Balodabazar-Bhatapara (C.G.).

---- Non-Applicant

For Applicant : Mr. Sunil Sahu, Advocate.
For Non-Applicant/State : Mr. Priyanshu Gupta, 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 The First Bail Application i.e. MCRC 151/2021 was dismissed as withdrawn on 12/02/2021.
- 3) The applicant is arrested on 22/12/2020 in connection with P.Q.R. Case No. 15584/03 registered at Police Station Forest Officer, Forest Region Arjuni, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 9, 44, 50 & 51 of Wild Life Protection Act, 1972.
- 4) Case of the prosecution, in brief, 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 applicant and other co-accused Jageshwar and Kamal Singh 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.

- 5) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. 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 applicant. He further submits that the applicant 46 years old has been arrested on 22/12/2020, 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 of the year 2018.
- 7) Heard Counsel for the parties.
- 8) Considering the facts and circumstances of the case, the detention period of the applicant who is 46 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 of the year 2018 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. 2,00,000/-** with two sureties of Rs. 1,00,000/- 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