

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2430 of 2021

1. Sunil S/o Dukhiram, Aged About 27 Years, R/o Village- Chhirha, Police Station- Kukdur, Tahsil- Pandaria, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
2. Ghanshyam S/o Shrivar Singh, Aged About 20 Years, R/o Village- Piparha, Police Station- Kukdur, Tahsil- Pandaria, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
3. Budhram S/o Tihari, Aged About 21 Years, R/o Village-Chhirha, Police Station- Kukdur, Tahsil- Pandaria, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Project Range Officer, Forest Range, Pandaria, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

----Non-applicant

For Applicants – Shri Suryakant Mishra, Advocate.

For State/Non-applicant – Smt. Fouzia Mirza, Additional Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-05-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 15-03-2021 in connection with Forest Crime No.12976/2021 registered at P.S. - Project Range Officer, Forest Range, Pandaria, District Kabirdham Chhattisgarh for the offence under Section 2(1), 9, 48(A), 49(A), 50 & 51 of Wildlife Protection Act and Section 52 & 64 of Indian Forest Act (wrongly mentioned as 2(1), 9, 16, 6, 20, 32, 39, 48, 49(A), (B), 50 & 51 of Wildlife Protection Act).
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in jail since 15-03-2021. These applicants have not committed any offence. Therefore, it is prayed that they may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that 23 numbers of dead birds and wild animals have been recovered from the possession of these applicants. Therefore, they are not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the documents.
5. According to the prosecution case, forest officials of Forest Range Pandaria made recovery of various dead wild birds and animals which have been allegedly hunted by these applicants.
6. Considered on the submissions. It appears that the offences registered are triable by the JMFC and till date charge sheet has not been filed, hence, under these circumstances I feel inclined to allow this application.
7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Vacation Judge