

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3191 of 2021

- Makson George S/o Robinson, Aged About 39 Years, Caste Christian, R/o Village Kota, Police Station Kota, District Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - The Forest Guard, Forest Conservative/ Range Officer, Kota, Bufferzone, ATR (Tiger Reserve Area), Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

MCRC No. 3206 of 2021

- Vivek Nelson son of Rajendra Nelson, Aged About 30 Years, R/o Shivtarai, Police Station and Tahsil Kota, District Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Forest Range Officer, Range Officer Kota Buffer zone, ATR (Tiger Reserve Area) Bilaspur, District Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

---- Non-applicant

MCRC No. 3351 of 2021

- Suresh Kumar S/o Faguram Kujur, Aged About 34 Years, R/o Village- Shivtarai, Police Station- Kota, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - The Forest Guard, Forest Conservative/ Range Officer, Kota, Bufferzone, ATR (Tiger Reserve Area), Kota, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Dharmesh Srivastava, Advocate (in MCRC No.3191 of 2021 and MCRC No.3351 of 2021).,
Ms. Nirupama Bajpai, Advocate (in MCRC No.3206 of 2021).
For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-05-2021

1. As all these three applications arise out of the same P.O.R. number,

they are being decided by this common order.

2. These applications have been filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail. The applicants have been arrested on 28-03-2021 in connection with P.O.R. No.15727/06 registered at Police Station - Forest Range/conservative office Kota, Bufferzone, ATR (Tiger Reserve Area), Kota, District – Bilaspur, Chhattisgarh for offence under Section 2, 9, 27, 29, 30, 31, 32, 39, 44, 50, 51, 52 and 57 of The Wild Life Protection Act, 1972.

3. It is submitted by learned counsel for the applicants in all these bail applications that these applicants have been falsely implicated in this case. They are in jail since 28-03-2021. These applicants do not have any criminal antecedent. Therefore, it is prayed that they may be enlarged on bail.

4. Learned counsel for State/non-applicant opposes the applications filed by the applicants and submits that the case against the applicants is of serious nature regarding hunting wild animals for meat and trophy. There is sufficient evidence present against these applicants. Therefore, they are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, on 28-03-2021 at about 3:00 a.m. in the dark of the morning, the forest patrol caught the applicants Makson George and Vivek Nelson in the Bufferzone of Tiger Reserve Forest, who were in possession of raw meat of wild animals along with hunting equipments. On the basis of the memorandum statement given by one of these accused, applicant Suresh Kumar was also later on arrested and recovery of incriminating material has been made from his possession.

7. Considered on these submissions. All the offences registered against these applicants are triable by JMFC. Further, there does not appear to be any criminal antecedent present against these applicants. Hence, under these circumstances I feel inclined to allow all these applications.

8. Consequently, all these three applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that these 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge