

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3127 of 2021

1. Vijay Kumar Baghel S/o Cherga Ram Baghel, aged about 26 years R/o Rajamunda, Borgapra, Police Station Chhindgarh, District Sukma (C.G.).
2. Madvi Dewa S/o Late Madvi Bhima, aged about 32 years R/o Kosabandar, Police Station, District Sukma (C.G.).

(The details of name of the applicants not mentioned in the impugned order, but the same is mentioned as per bail application filed before the learned Court below).

---- Applicants

Versus

- State of Chhattisgarh, Through : Station House Officer of Police Station Sukma, District Sukma (C.G.)

---- State/Non-Applicant

For Applicants : Shri P.K. Tulsian, Advocate

For Non-Applicant/State : Shri Anand Verma, Dy. Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

19/07/2021

1. Heard.
2. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 19/03/2021 in connection with Crime No. 38/2021 registered in Police Station- Sukma, District Sukma (CG) for the offence punishable under Section 429 of the Indian Penal Code and Sections 9, 39 and 51 of the Wild Life Protection Act.
3. As per prosecution story, on 19/03/2021 a secret information was received by the police personnels of Police Station Sukma to the effect that four persons are about to come for selling of skins of the animals at Murrepal Geedamnala. On such information, police personnels reached to the spot and were waiting there for them. After some time, four persons, on two motor-cycle came there. The police personnels tried to caught them, but two

of them fled away from there on one motor-cycle and the applicants were caught. On being search, skin of Leopard was recovered from their possession.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 19/03/2021 and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
5. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, particularly looking to the detention period of the applicants and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
8. It is directed that in the event of each of the applicants executing 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, they shall be released on bail, on following conditions :-
 - i. 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/her from disclosing such fact to the Court.
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - iv. they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - v. they shall not involve themselves in any offence of similar nature in future.
9. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

rahul