

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3135 of 2021**

1. Rupesh, S/o Chagan Ganda, Aged About 22 Years R/o Village Bodrabandha, Police Station Khallari, Tahsil Baghbahra, District Mahasamund (C.G.).

**---- Applicant**

**Versus**

1. State Of Chhattisgarh, Through Assistant Forest Range Officer Amakoni, Forest Division Mahasamund (C.G.).

**---- Respondent**

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For Applicant : Mr. Siddharth Rathod, Advocate.  
For Non-Applciant/State : Mr. Anand Verma, Dy. Govt. Advocate.

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**23/06/2021**

- 1) The matter is heard through Video Conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 19/04/2021 in connection with P.O.R. No. 14376/05 registered at Police Station/Investigating Agency Assistant Forest Range Officer Amakoni, Forest Division Mahasamund (C.G.) for the offence punishable under Section 9, 39(1), 44, 49, 50, 51, 52 & 57 of Wild Life Protection Act, 1972.
- 3) Allegation against the present applicant is that he alongwith co-accused persons illegally killed 2 Leopards and kept there body parts for the purpose of black magic. During investigation one mobile phone has been seized from the present applicant.
- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the applicant 22 years old has been arrested on 19/04/2021,

charge sheet has been filed and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 5) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that applicant has no criminal antecedents.
- 6) Heard Counsel for the parties.
- 7) Considering the facts and circumstances of the case, looking to the fact that only one mobile phone has been seized from the present applicant, the detention period of the applicant who is 22 years old, charge sheet has already been filed, the fact that applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel 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