

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings Through Video Conferencing****MCRC No. 3441 of 2021**

- Jaylal, S/o Ramnath Binjhwar, aged 65 Years, R/o Village - Bodrabandha, P.S.- Khallari, Tahsil- Baghbahra, District - Mahasamund (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh, Through Assistant Forest Range Officer Amakoni, Forest Division - Mahasamund (Chhattisgarh).

----Non-applicant

MCRC No. 4126 of 2021

- Jamil Mohammed, S/o Gulam Mohammed, aged about 48 Years, Resident of Ward No. 4, Kunjam Para, Singpur, Police Station Magarlod, Tahsil Kurud, District Dhamtari Chhattisgarh, at Present R/o Meera Datar Dumardih, Police Station Khallari, Tahsil Bagbahra, District Mahasamund Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Assistant Forest Range Officer, Amakoni (Bagbahra) Forest Division, District Mahasamund, Chhattisgarh.

----Non-applicant

For Applicants	Shri Siddharth Rathod and Shri Ram Vifal Ram Rajwade, Advocates.
For State	Shri Chitendra Singh, Panel Lawyer.



Hon'ble Shri Justice Gautam Chourdiya
Order on Board

20/07/2021

1. As both these applications filed under Section 439 of Cr.P.C. arise out of the same P.O.R. No.14376/05 registered at Police Station

Amakoni (Bagbahra) Forest Division, District Mahasamund, C.G. for the offence punishable under Sections 9, 39(1), 44, 49, 50, 51, 52 & 57 of Wild Life Protection Act, 1972, they are being disposed of by this common order.

2. Allegation against the present applicants is that they along with another co-accused illegally killed 2 leopards and kept their body parts for the purpose of black magic. During investigation, one mobile phone has been seized from the co-accused- Rupesh.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. They submit that applicants are languishing in jail since 19.04.2021, charge sheet has already been filed, they have no criminal antecedents, due to COVID-19 pandemic, conclusion of trial is likely to take some time and that co-accused person namely- Rupesh in this case has already been granted regular bail by this Court vide order dated 23.06.2021 in MCRC No.3135 of 2021 and, therefore, the applicants be released on bail on the ground of parity.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the detention period of the applicants, who are 65 & 48 years old, charge sheet has already been filed, the fact that the co-accused person in this

case has already been granted regular bail by this Court, the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, the applications are allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the 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 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.

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 offence in future.

Sd/-
Gautam Chourdiya
Judge