

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****M.Cr.C. No. 5461 of 2021**

1. Rajesh Sonkar, aged about 27 years, S/o Mehattar Sonker, By Caste Sonker,
 2. Girdhari Patel, aged about 37 years, S/o Kartik Ram Patel, by Caste Marar,
 3. Goukaran Patel, aged about 39 years, S/o Shir Sukhdev Patel, By Caste Marar,
 4. Fulsingh Sonker, aged about 37 years, S/o Mehattar Sonker, by Caste Sonker,
 5. Bhuneshwar Kumar Patel, aged about 28 years, S/o Pilu Ram Patel, by Caste Marar,
 6. Chandn (Chandan) Singh Patel, aged about 45 years, S/o Mr. Baratiya Ram Patel, by Caste Marar,
 7. Panchu Ram Patel, aged about 42 years, S/o Mr. Kartik Ram Patel, By Caste Marar
 8. Chhamman Sonker, aged about 21 years, S/o Mr. Chainsingh Sonker, By Caste Sonker
- All R/o Village Largaon, Markatola, Tahsil Narharpur, District U.B. Kanker (C.G.)

---- Applicants**Versus**

- The State of Chhattisgarh, Through Police Station Forest Department Narharpur, District U.B. Kanker (C.G.)

---- State/Non-applicant

For Applicants : Shri Parag Kotecha, Advocate

For Non-Applicant/State : Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****16.08.2021**

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 19.06.2021 & 22.06.2021 in connection with Crime No. 14776/2013 registered in Police Station- Forest Range Narharpur, District U.B. Kanker (C.G.) for the offence punishable under Sections 9, 39, 48, 50, 52 & 57 of Wild Life Protection Act.
2. Case of the prosecution is that on receiving secret information against that the applicants that they have killed the wild animal and on such information, a search was made and at the house of applicant Bhuneshwar in a well, the

police party found body part of *Kotri* which is a scheduled wild animal under Wild Life Protection Act. Therefore, all the applicants have been made accused and the offences under the aforementioned Sections of Wild Life Protection Act have been registered against all the applicants.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 19.06.2021 & 22.06.2021 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the detention period of the applicants who are 21, 27, 28, 37, 39, 42 & 45 years old, the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels 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.
6. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each 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.

7. 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

vatti