

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5420 of 2021

1. Harichand, S/o Sukhraj Sahu, Aged About 26 Years, R/o Village Jhandi, Police Station Rajanawagaon, Tahsil Bodla, District Kabirdham, Chhattisgarh.
2. Bhuklu S/o Gopal Baiga, Aged About 23 Years, R/o Village Kauhapani, Police Station Rajanawagaon, Tahsil Bodla, District Kabirdham, Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh, Through- District Magistrate Kabirdham, District-Kabirdham, Chhattisgarh. **---- Non-Applicant**

For Applicants : Shri Dharmesh Shrivastava, Advocate

For Non-Applicant/State : Shri Anand Verma, Dy. G. A.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

16.08.2021

Heard.

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 16.02.2021 in connection with Forest Crime No. 16031/15 registered at Police Station-Forest Department, Circle Boramdev, District- Kabirdham (C.G.) for the offence punishable under Sections 2 (2) (16) (20) (31) (32) (33) (36), 9, 39, 40, 50, 51 & 57 of the Wild Life Protection Act, 1972.
- 2) The allegation against the present applicants is that they were involved in hunting/killing of the wild animal Leopard (Tendua) by electric current in Reserve Forest No. 305, Bhathailatola, Beat-Village Kauhapani.
- 3) Learned counsel for the applicants submit that the applicants

have been falsely implicated in the crime in question. Learned counsel for the applicants further submit that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, charge-sheet has already been filed and the applicants are in jail since 16.02.2021 and 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 Non-Applicant/State opposes the bail application, however, he submits that the applicants have no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the applicants, charge-sheet has already been filed, the detention period of the applicants, who are 26 & 23 years old and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and 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 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 the following conditions:-
 - (a) 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,
 - (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,

- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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

Nadim