

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6286 of 2021

1. Doman Lal Deewan S/o Ghanshyam Deewan, Aged About 40 Years,
 2. Charan Deewan S/o Dau Lal Deewan, Aged About 45 Years,
- Both are R/o Village Tarpongi, Police Station Khallari, Tahsil Bagbahara, District Mahasamund (C.G.).

---- Applicants

Versus

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

---- Non-Applicant

For Applicants : Mr. Raghavendra Pradhan, Advocate.
For Non-Applicant/State : Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

20/09/2021

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are arrested on 21/05/2021 in connection with P.Q.R. No. 9673/2017 registered at Police Station Forest Range Officer, Bagbahara, Forest Division Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 9, 39(1)(3), 51 & 57 of Wild Life Protection Act, 1972.
- 2) Case of the prosecution, in brief, is that present applicants alongwith other co-accused persons has allegedly hunted the Indian Bison (*Bos gaurus*), which is a scheduled animal, as per Schedule-I, Part-I of the Wild Life (Protection) Act, 1972. The applicants allegedly erected the live GI wire in their agricultural field for the purpose of hunting wild animals and on the date of

the incident, one Indian Bison came in contact with the live wire and died instantly.

- 3) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He submits that the applicants had erected the G.I. fencing to protect their agricultural field and had no intention to hunt the wild animals. He submits that co-accused Chandan Kumar Chandrakar has been granted regular bail by the Co-ordinate Bench of this Court passed in MCRC No. 3955/2021 vide order dated 27/07/2021. He submits that the applicant 40 & 45 years old respectively has been arrested on 21/05/2021 and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that applicant has no criminal antecedent.
- 5) Heard Counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 40 & 45 years old, the offences are triable by the Judicial Magistrate 1st Class, the fact that applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel, in particular the fact that the co-accused has been granted regular bail by the Co-ordinate Bench of this Court 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 **each** 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, he 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 him by the said Court till disposal of the trial.
- iv. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./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**

Chandrakant