

HIGH COURT OF CHHATTISGARH, BILASPUR• **MCRCA No. 1346 of 2020**

- Jayprakash Sahu S/o Fakirram Sahu, Aged About 31 Years R/o Village Beldih, Chowki- Bundeli, Police Station Tendukona, Tahsil Pithora, District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Range Officer, Forest Range, Pithora, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Raghvendra Pradhan, Advocate.
For Respondent/State	:	Mr. Pawan Kesharwani, P.L.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19/02/2021**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No. P.O.R. No.14326/05 registered at Police Station–Range Officer, Forest Range, Pithora, District- Mahasamund (C.G.) for alleged commission of offence under Sections 9, 39, 50 & 51 of Wildlife Protection Act, 1972.
2. Prosecution case is that two bear died of electric current. The applicant is involved on the basis that when one of the co-accused from whom incriminating articles were seized was taken into custody and memorandum was recorded, he involved the present applicant also as one of the co-accused in the alleged commission of offence.
3. Learned counsel for the applicant would submit that as against the applicant, only material to implead him, memorandum statement of co-accused and nothing more. He would submit that only on the basis of memorandum statement no case can be said to have been made out.

4. On the other hand, learned counsel for the State opposes and submits that after death of two bear when the matter was inquired after registering offence, number of accused persons involved in the said offence arrested except the present applicant. He would submit that all the other accused persons have involved the present applicant also as one of the persons involved in the commission of offence. Search was carried out in their respective houses and incriminating material used for the alleged commission of offence has been seized from the possession of some of the accused. The arrest of the applicant is necessary to carry out search on the basis of his memorandum to find out other necessary equipment which are used for commission of offence of killing of wild animals.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the applicant has been involved in the alleged commission of offence by all other accused who have been arrested and recovery has also been made from some of the accused which relate to certain articles and accessories used for killing wild animals by laying electric wire and other articles, present is not a fit case for grant of anticipatory bail.
6. The bail application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Ravi