

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7035 of 2021

- Sunil Namdev S/o Narmada Prasad Namdev Aged About 45 Years R/o. Anand Vatika, Anmol Vihar, Vip Road, Mana, Raipur, District - Raipur, Chhattisgarh.,

---- Applicant

Versus

- State Of Chhattisgarh Through Deputy Ranger, Raipur Range Department Of Forest, Raipur, District - Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Kishore Bhaduri, Sr. Counsel
assisted by Shri Sudeep Johri ,Advocate
For Respondent /State : Shri Sunil Otwani, Addl. Advocate General

Hon'ble Smt. Justice Rajani Dubey

Order On Board

01/11/2021

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. POR No. 6287/11 registered at police station Raipur Range District Raipur (CG) for the offence punishable under Sections 9,49,50 and 51 of the Wild Life Protection Act 1972.

As per prosecution case, when the police party reached the house of the applicant along with search warrant, and on search being

made, trophy covered with animal hide was recovered which is prohibited under the **Schedules I, II, III and IV except** as provided under Section 11 and 12.

Counsel for the applicant submits that case against the applicant is false and fictitious. He further submits that the dummy tiger has been recovered and the seized article has been sent for scientific report to the Biological Research Centre at Cellular and Molecular Biology Centre, Hyderabad and Indian Foreign Institute Dehradun but the report was not found positive. He submits that the applicant is in jail since 13.08.2021; charge sheet has been filed; the offence is triable by the Magistrate and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application and submits that animal hide was recovered from the house of the applicant and explanation was sought from the wife of the applicant and it was informed by her that the said hide was brought by the applicant. He submits that so far as the criminal antecedent of the applicant is concerned, four offences have been registered against him. He further submits that the investigation has not been completed and the defence which has been taken by the applicant is not sufficient to release him on bail.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a

personal bond in the sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-

(Rajani Dubey)
Judge