

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7273 of 2021**

- Nikhil Kumar, S/o Siddeshwar Prasad Singh, aged about 34 Years, R/o B-16 Anand Nagar, Telibandha District - Raipur (Chhattisgarh).

---Applicant

Versus

- State of Chhattisgarh, Through - Police Station - Mana Camp, Distt. Raipur (Chhattisgarh).

----Non-applicant

For Applicant	Shri Sanjay Agrawal, Advocate.
For State	Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

27/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.134/2021 registered at Police Station Mana Camp, District Raipur, C.G. for the offence punishable under Sections 39(2), 49-B, 51, 52 & 9 of Wild Life (Protection) Act, 1972 and Section 3 of Prevention of Damage to Public Property Act, 1984.
2. As per the prosecution case, on 28.07.2021 secret information was received by the police of Mana Camp, Raipur that the present Applicant along with co-accused- Manish Agrawal are carrying skin of leopard on Aactiva bearing No. CG04 MF 6081. On receiving said information, police personnel proceeded to the spot, caught the accused persons and recovered a bag

containing one packet of skin of leopard from them.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that there is no direct proof of applicant's involvement in the alleged crime. Applicant is in jail since 28.07.2021, charge sheet has already been filed, due to COVID 19-pandemic conclusion of trial is likely to take some time and that co-accused person namely- Manish Agrawal in this case has already been granted regular bail by this Court vide order dated 15.09.2021 in MCRC No.6002 of 2021 and, therefore, the applicant be released on bail on the ground of parity.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has no criminal antecedents.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation made against the applicant, the detention period of the applicant, who is 34 years old, charge sheet has already been filed, the fact that the co-accused person namely Manish Agrawal in this case has already been granted regular bail by this Court, the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 conclusion of trial may take some time, without expressing

any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the 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) he 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) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) he shall not involve himself 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 applicant involving himself in any offence in future.

Sd/-
Gautam Chourdiya
Judge