

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C (A). No. 1238 of 2021

Chandraprakash Sonwani @ Billu S/o Barnu Sonwani, Aged About 45 Years, R/o Village Bhakhara, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Bhakhara, District -Dhamtari Chhattisgarh.

---- Respondent

For Applicant	:	Shri B.M. Rao, Advcate with Shri Basant Kaiwariya, Advocate.
For State	:	Mr. Vaibhav Singh, PL.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

04/10/2021

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.139/2021 registered at Police Station –Bhakhara, District Dhamtari, (CG), for the offence punishable under Sections 4, 6, 10 & 11 of the Wild Life (Protection) Act 1972.
2. Case of the prosecution, in brief, is that on 16.09.21 Police received information from Gorakshak Sena that some persons were carrying large number of cattle near forest area. Based on information, Police reached on spot and found total 42 number of cattle being carried by four persons. Out of which, three persons were arrested and one fled away from spot. Based on recovery of cattle, aforementioned crime is registered against four persons. Applicant has been arrayed as accused based on the memorandum statement of complainant that applicant is the head member of the team.
3. Learned counsel for the applicant submits that applicant is not involved in commission of offence as alleged against him. Applicant was not found

present at place of incident alongwith cattle. Complainant, who stating himself to member of Gorakshak Sena is having previous enmity with him, hence, he has been falsely implicated in this case. Applicant is not having any other criminal antecedents registered against him. Hence, he may be enlarged on anticipatory bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that complainant has named the applicant to be main accused in this case. Hence, he is not entitled for grant of anticipatory bail. However, he do not dispute that applicant was not found present on the spot or there is no material to show that he was also carrying the animals alongwith others. On putting a specific query, he submits that in case diary there is no mention of any criminal antecedent registered against applicant.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, the fact that applicant has not been shown to be present on spot, no other criminal antecedents is registered against applicant, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, he shall be released on bail by the officer arresting her on executing a personal bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :
 - (i) that applicant shall make himself available for interrogation before

the investigating officer as and when required;

- (ii) that applicant 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/her from disclosing such facts to the Court or to any police officer;
- (iii) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-