

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 8831 of 2020

1. Kartikram Sidar son of Rameshwar, aged about 27 years
 2. Haridayal Sidar son of Sadanand Sidar, aged about 22 years
- Both resident of Village Mauhadipa, Police Station – Saraipali, District-
Mahasamund (C.G.)

---- Applicants

Versus

- State of Chhattisgarh Through: Forest Ranger, Forest Range Saraipali, District Mahasamund (C.G.)

---- State/Non-applicant

And

M.Cr.C. No. 261 of 2021

- Bhagwat Sahu, S/o Nandlal Sahu, aged about 30 years, R/o Village Dudumchuwan, P.S. Saraipali, District Mahasamund (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Forest Range, Saraipali, District Mahasamund (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Vikash Pradhan, Advocate appears in M.Cr.C. No. 8831/2020
For Applicant	:	Shri Vivek Kumar Shrivastava, Advocate appears in M.Cr.C. No. 261/2021
For Non-Applicant/State	:	Shri Ajay Kumrani, Panel Lawyer appears in both the applications.

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

01.02.2021

1. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same Crime Number (Forest) i.e. 13384/24 registered in Police Station- Forest Range, Saraipali, District Mahasamund (CG) for the offence punishable under Sections 9, 50, 51 & 52 of Wild Life Protection Act, they are being disposed of by this common order.
2. Case of the prosecution is that all the above applicants entered the forest premises at Saraipali and laid the live electric wire at a distance of about 2

kms and in the said process one wild animal *Sambhar* came in contact with said wire and died. During investigation, as per statement given by applicants Kartikram and Haridayal, one leopard and one bison were found in dead condition at the place of occurrence in room No. 353.

3. Shri Vikash Pradhan learned counsel appearing on behalf of the applicants in M.Cr.C. No. 8831 of 2020 seeks to withdraw the bail application on behalf of applicant No.1 Kartikram Sidar.
4. Accordingly, the **bail application (M.Cr.C. No. 8831 of 2020) on behalf of applicant No.1 Kartikram Sidar** is dismissed as withdrawn.
5. Now this Court considers the application on behalf of applicant No.2 Haridayal Sidar in M.Cr.C. No. 8831/2020 and bail application on behalf of applicant Bhagwat Sahu in M.Cr.C. No. 261/2021.
6. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 16.10.2020 & 29.10.2020, the charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
7. On the other hand, learned counsel for the State opposes the bail applications.
8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the age of the applicants i.e. 22 & 30 years, the detention period of the applicants, the charge-sheet has already been filed and conclusion of the trial is likely to take some time, and that there is no apprehension of the applicants tampering with the evidence or absconding and also they have no criminal antecedents as admitted by both the counsel, without expressing any opinion on merits of the case, the applications are allowed.
9. It is directed that in the event of each of the applicants namely Haridayal Sidar and Bhagwat Sahu executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the

concerned trial Court, they 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 them by the said Court till disposal of the trial.
- iv. They shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

10. In the result, M.Cr.C. No. 8831 of 2020 is allowed in part and M.Cr.C. No. 261 of 2021 is allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge