

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8986 of 2020**

1. Chandan Sidar, S/o Shri Amar Say Sidar, aged about 45 Years,
2. Gokul Ram, S/o Shri Konda Ram, aged about 45 Years,
3. Keshar Sidar, S/o Shri Budhiyar, aged about 45 Years,
4. Hemsagar Sidar, S/o Shri Tejram Sidar, aged about 45 Years

All are by Caste Gond, R/o Village Patratoli, Thana Bagbahar,
District Jashpur Chhattisgarh.

----Applicants**Versus**

- The State of Chhattisgarh, Through the Forest Officer, Forest Circle Patthalgaon, District Jashpur Chhattisgarh.

---- Respondent

For Applicants	Mr. Sunil Sahu, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****19/01/2021**

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as they have been arrested in connection with Crime No. 15290/05 registered at Forest Circle Patthalgaon, District Jashpur, C.G. for the offence punishable under Sections 9, 51, 39(1) and 51 of the Wild Life Protection Act, 1972.
2. Allegation against the present applicants is that on 27.10.2020 they caused death of one Leopard by electrocution and hide the

same. During investigation, the applicants admitted the commission of the crime and from their possession the Leopard, sickle, Axe, knife, G.I. wire and electric wire were seized.

3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that the applicants are in jail since 29.10.2020, charge sheet has already been filed, nothing is required to be seized from the applicants and conclusion of trial is likely to take some time. He further submits that applicants have no criminal antecedents. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the detention period of the applicants, the fact that charge sheet has already been filed, in particular the fact that the applicants have no criminal antecedents, they are the first offender and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsels and that conclusion of trial may take some time, without expressing any opinion on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of

Rs.50,000/- with two sureties of Rs.25,000/- 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.

Sd/-
Gautam Chourdiya
Judge

Akhilesh