

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8441 of 2021

1. Kala Ram S/o Phajihat Aged About 55 Years.
 2. Jagu S/o Bhojana Aged About 70 Years.
- Both by Caste- Uraon, R/o Village- Bhanoura P.S. and Tahsil- Balrampur,
 District- Balrampur- Ramanujanj, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through- The Forest Range Officer- Balrampur District-
 Balrampur- Ramanujanj, Chhattisgarh.

--- Respondent

For Applicants	:	Mr. AN Pandey, Advocate.
For State	:	Mr. Vaibhav Singh, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

10/12/2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicants, who have been arrested in connection with Forest Crime No.13596/15, registered at Forest Range -Balrampur, Distt Balrampur, Ramanujan, (CG), for commission of offence punishable under Sections 33(1) (A)(C)(F)(H) of Indian Forest Act, U/S 17 (A), 51(1) of Forest Animals Protection Act & U/S 3(1) (A) of Prevention of Damage to Public Property Act.
2. Case of prosecution is that on 24.09.2021, official of Forest Department received secret information that some persons are cutting trees in forest area. Upon receiving information, forest officer reached on spot, found applicants present there and involved in activity of falling tress, lying 122 logs of trees on ground. Based upon which, aforementioned crime is registered against applicants and they were arrested.
3. Learned counsel for applicants submits that applicants have not committed any offence as alleged against them. They are poor forest villagers, they went to forest for collecting fire woods. They have not fell any trees. There are no other criminal antecedent against them. They are in jail since 24.09.2021, hence, they may be released on bail.

4. Learned State Counsel opposes the submission of learned counsel for the applicants and submits that based on secret information Forest Official reached on spot, found applicants alongwith 122 logs of trees. They have griddle 20 trees. Hence, there is prima facie involvement of applicants in commission of crime, therefore, they are not entitled for grant of bail. However on putting specific query with regard to any criminal antecedent against applicants, he after going through case diary submits that in case diary there is no mention of any criminal antecedents of any nature against applicants.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, applicants are resident of forest village, submissions of learned counsel for parties that there are no other criminal antecedent against applicants, period of pre-trial detention of applicants since 24.09.2021, without commenting anything on merits of the case, I am inclined to allow this application.
7. Accordingly, bail application is allowed. It is directed that applicants shall be released on regular bail, on their furnishing a bail bond in sum of **Rs.25,000/-** with one surety each in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) They shall not, in any manner, tamper with the prosecution witnesses.
 - c) If they are found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-