

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8296 of 2021

1. Lalbihari S/o Makhan Aged About 60 Years.
 2. Seetaram S/o Kavaldhir Aged About 30 Years.
- Both are R/o Village - Bhanoura Police Station and Tahsil - Balampur District - Balrampur – Ramanujanj, Chhattisgarh.

----Applicant

Versus

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

--- Respondent

For Applicant	:	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.11794/24, 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(A) 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 23.09.21 official of Forest Department received secret information that some persons are cutting trees in forest area. Upon receiving information, Assistant Range Officer reached on spot and found applicants present there and involved in activity of falling trees. On spot, 260 logs of trees lying on ground in 1.5 hectares of forest area. 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 any other criminal antecedent against them. They are in jail since 23.09.2021, 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 260 logs of 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 no other criminal antecedent against applicants, period of pre-trial detention of applicants since 23.09.2021, 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 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/-