

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 8384 of 2021**

1. Harishankar S/o Mahavir, Aged About 40 Years, R/o Village Gopinagar, P.S. Kusmi, District Balrampur-Ramanujganj Chhattisgarh
2. Baleshwar S/o Sukhu, Aged About 30 Years, R/o Village Gopinagar, P.S. Kusmi, District Balrampur-Ramanujganj Chhattisgarh
3. Prabhu S/o Mohar Sai, Aged About 38 Years, R/o Village Gopinagar, P.S. Kusmi, District Balrampur-Ramanujganj Chhattisgarh
4. Sukhu S/o Barju, Aged About 55 Years, R/o Village Gopinagar, P.S. Kusmi, District Balrampur-Ramanujganj Chhattisgarh
5. Bahadur S/o Ramnath, Aged About 42 Years, R/o Village Gopinagar, P.S. Kusmi, District Balrampur-Ramanujganj Chhattisgarh
6. Rambilas S/o Manohar, Aged About 45 Years, R/o Village Gopinagar, P.S. Kusmi, District Balrampur-Ramanujganj Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Forest Range Officer, Forest Range Kusmi, District Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicants	:	Shri Pushkar Sinha, Advocate
For Respondent/State	:	Shri Aman Kesharwani, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20/12/2021**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 29.09.2021 in connection with Crime No. POR No. 16868/17 registered at Police Station – Forest Range Kusmi, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 33-1 (A) (C) (F) (H) & 63 (C) of Indian Forest Act, 17-A, 51-1 of Wild Life Protection Act & 3-1(A) of Prevention of Damage to Public Act.

2. The allegation against the present applicants as per the prosecution is that the applicants herein were found illegally cutting of trees near village Gopinagar under forest range, Kusmi, District Balrampur-Ramanujganj.

3. Learned counsel for applicants submits that the applicants have been prosecuted for no fault on their part. The prosecution has not been able to identify the trees which have been cut by the applicants. He submits that the applicants have been saddled with the charge of having cut the trees which were fell for the past many days and months together without there being any iota of evidence. He further submits that the applicants have already undergone custody for a period of about 3 months and prays that the applicants may be released on bail.

4. State counsel, on the other hand, opposing the bail application submits that the nature of offence is quite serious inasmuch as the applicants have been found in the process of cutting of large number of trees in the forest area which is otherwise prohibited under the Indian Forest Act. He submits that it is only less than 3 months time that the applicants are in custody and therefore also the applicants should not be released on bail at this juncture.

5. Be that as it may, taking into consideration the fact that the

prosecution has not been able to make out a definite case for the number of trees cut by the applicants herein and the total number of trees recovered does not seem to be prima facie cut on the same day or could have been cut by the applicants on the same day. Thus, the act on the part of the applicants in cutting the entire trees that have been recovered becomes doubtful. Thus, considering the entire facts and circumstances of the case, this Court is prima facie of the opinion that a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicants will be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with two sureties each in the like sum to the satisfaction of the concerned trial Court. The applicants are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(P. Sam Koshy)
JUDGE**