

M.Cr.C. No. 54 of 2021 & M.Cr.C. No. 749 of 2021

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 54 of 2021

- Sheikh Sahabuddin S/o Seikh Babuddin, aged about 23 years, R/o Village & Post Office Thargaon, Police Station Saliha, District Baloda Bazar (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Sankara, District Mahasamund (C.G.)

---- State/Non-applicant

And

M.Cr.C. No. 749 of 2021

1. Baliram, son of Chamra, aged about 55 years
2. Johan, son of Chaitram, aged about 50 years,
Both are resident of Village Kumhari, P.S. Rajadevri, Tahsil Kasdol, District Baloda Bazar (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Sankra, District Mahasamund (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Arun Kumar Shukla, Advocate appears in M.Cr.C. No. 54/2021
For Applicants	:	Shri Pushpendra Kumar Patel, Advocate appears in M.Cr.C. No. 749/2021
For Non-Applicant/State	:	Shri Anil Tripathi, Panel Lawyer appears in both the applications.

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

03.03.2021

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 No. 177/2020 registered in Police Station- Sankra, District Mahasamund (CG) for the offence punishable under Sections 9, 39(1), 50 & 51 of Wild Life Protection Act, they are being disposed of by this common order.

2. Case of the prosecution is that the concerned police received a secret information that all the applicants carrying bow & arrow are searching the customers near the *Barnaidader-Tiraha* for selling the skins of leopard & deer which was kept in a gunny bag. On the basis of such information, the concerned police reached the spot and after searching them, the police found the skins of leopard & deer from the possession of the applicants.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 11.12.2020, and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the detention period of the applicants 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.
6. It is directed that in the event of each of the applicants 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.

M.Cr.C. No. 54 of 2021 & M.Cr.C. No. 749 of 2021

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.

7. In the result, M.Cr.C. No. 54 of 2021 and M.Cr.C. No. 749 of 2021 are allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge

vatti