IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 2601 of 2024

BETWEEN:-

DULA BANJARA S/O SHRI MEDHA BANJARA, AGED ABOUT 42 YEARS, R/O VILLAGE BHILAYA TEHSIL SULTANPUR DISTRICT RAISEN (MADHYA PRADESH).

.....APPLICANT

(BY SHRI MOHAN LAL SHARMA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH VAN PARIKHETRA CHHLWAHA VAN MANDAL OBEDULLAGANJ DISTRICT RAISEN (MADHYA PRADESH).

.....RESPONDENT

(BY SHRI AKSHAY NAMDEO - GOVERNMENT ADVOCATE)

This application coming on for admission this day, the court passed the following:

ORDER

This is the first bail application filed by applicant under Section 439 of Code of Criminal Procedure for grant of regular bail relating to FIR No. 47907/05, registered at Police Station-Van Parikshetra Chilwaha Van Mandal, Obedullaganj, District Raisen (M.P.) for the offence punishable under Sections 2, 9, 39 and 51 of Wild Life (Protection) Act.

2. Learned counsel appearing for applicant submitted that incident is of year 2021 and applicant has been arrested on basis of memorandum given by co-accused person in year 2024. Applicant is innocent has falsely been

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implicated in the case. He is in jail since 02.01.2024. In these circumstances, applicant be released on bail.

3. Learned Government Advocate appearing for the State opposed the bail application. It is submitted that applicant has again committed an offence under Wild Life (Protection) Act. Earlier also one offence was registered against him under Wild Life (Protection) Act.

4. Heard learned counsel for the parties.

5. Evidence available against applicant is memorandum given by co-accused and some recovery made from him. Offence is not serious in nature. There is delay in making applicant accused in the case.

6. Considering aforesaid circumstances of the case, bail application filed by the applicant is ***allowed*** on condition that he will mark his presence at Van Parikshetra Chilwaha Van Mandal Obedullaganj, District Raisen on first of every month till competition of trial. It is directed that applicant shall be released on bail on his furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court concerned for his regular appearance before Court on all such dates as may be fixed in this regard during pendency of trial.

7. The applicant shall also abide by the following conditions of Section 437(3) of Cr. P. C. as under:-

> *(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter;*
>
> *(b) that such person shall not commit any offence similar to the offence of which he is accused, or suspected of the commission of which he is suspected and;*
>
> *(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to*

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the Court or to any police officer or tamper with the evidence.

8. Certified copy as per rules.

(VISHAL DHAGAT)
JUDGE

vkt

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