

(2018) 08 CHH CK 0387

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 5559 Of 2018

Ramkailash Bhuritiya

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Aug. 31, 2018

Acts Referred:

- Wild Life Protection Act, 1972 - Section 9, 39, 50, 51

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: Shivendy Pandya, Astha, Shukla

Final Decision: Allowed

Judgement

P. Sam Koshy, J

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 12.05.2018 in connection with Crime No. (POR No.)

15794/2004 registered at Forest Range, Janakpur, PS Janakpur, Distt. Korea for the offence punishable under Sections 9,39,50 and 51 of the Wild Life

Protection Act, 1972.

2. The allegation as per prosecution is that, the applicant is said to have killed Leopard in village Badvahi, PS Janakpur. The case of the prosecution is

that, on the previous day the Leopard is said to have killed one cow of the present applicant and co-accused in the forest and therefore to take

revenge, the applicant and co-accused is said to have placed some poison on the meat of the cow which the Leopard is said to have came and ate in

the night and thereafter died. Later on, the applicant is said to have destroyed the evidence by throwing away the poisonous meat and also burnt to

body of Leopard in the forest.

3. Learned Counsel for the applicant submits that except for the memorandum statement there is no evidence whatsoever collected by the prosecution against the present applicant with which he could be implicated in the instant case. Further, the co-accused has already been granted bail by this court in MCRC No.4443 of 2018 on 06.07.2018, the nature of allegations are identical in nature, and therefore, the present applicant may also be released on bail.

4. The State counsel however opposes the application on the ground that present applicant is said to have killed one of the protected animal of the forest and that there is a memorandum statement where he has admitted his guilt.

5. Considering the total facts and circumstances of the case particularly taking note of the fact that there is no evidence collected by the prosecution with which it can be said that the allegations which have been levelled could be *prima facie* established. Moreover, except of the seizure of the some portion of the bones of animal, there does not appear to be any concrete evidence collected in the course of evidence to show that the said animal was poisoned and got killed by way of poisoning. Further, the co-accused has already been granted bail by this court and therefore this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for appearance as and when directed.