
(2021) 03 MP CK 0109

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 14821 Of 2021

Santram @ Santlal Prajapati

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 18-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Wildlife Protection Act, 1972 — Section 216(B), 9, 39, 50, 51

Citation : (2021) 03 MP CK 0109

Hon'ble Judges : Akhil Kumar Srivastava, J

Bench : Single Bench

Advocate : R.S. Rathore, K.S. Patel

Final Decision : Allowed

Judgement

Akhil Kumar Srivastava, J

This is the first bail application filed by the applicants under Section 439 of the Cr.P.C. for grant of bail. The applicant is in custody since 01.02.2021 in connection with Forest Crime No.4346/2017 registered at P.S. through Forest Range Officer District-Anuppur for the offence punishable under sections 2-16(B), 9, 39, 50 and 51 of Wild Life (Protection) Act.

As per the prosecution case, the applicant along with other co-accused is alleged to have removed 4-5 nails and hair of mustache of the dead leopard and gave the same to the co-accused persons.

Learned counsel for the applicants submits that the applicant is innocent and he is in custody since 01.02.2021. The trial will take time to conclude. It is submitted that the applicant has not committed any offence. There is no direct or indirect evidence, which shows involvement of the applicant in commission of crime. There is no likelihood of applicant absconding and tampering with the prosecution evidence and his further custody is not required in this case. On the aforesaid grounds, learned counsel for the applicant has prayed that the

applicant be released on bail. It is also stated that co-accused have already been enlarged on bail by this court vide order dated 09.03.2021 passed in M.Cr.C. Nos. 11178/2021 and 11390/2021, therefore, keeping the concept of parity in mind, the present applicant be also enlarged on bail.

Learned Panel Lawyer opposing the submissions made on behalf of the applicant has prayed for rejection of the bail application.

Heard learned counsel for the parties and perused the entire material available on record including the case diary.

Looking to the facts and circumstances of the case and keeping the concept of parity in mind but without commenting anything on the merits of the case, it would be appropriate to enlarge the applicant on bail. Accordingly, this application is allowed. It is, therefore, ordered that the applicant Santram @ Santlal Prajapati is directed to be released on bail upon his furnishing personal bond in the sum of Rs.50,000/- with a solvent surety in the like amount to the satisfaction of the concerned Court for appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

The prison authorities are also requested to ensure compliance with the order passed by the Supreme Court in *Suo Moto Writ Petition(C) No.1/2020* and ensure, that the Applicant is examined by the jail doctor before his release. If the Applicant shows symptoms of COVID 19, the doctor shall forthwith direct him to be produced before the appropriate hospital designated for the detection and treatment of COVID 19 patients. If the doctor is of the opinion that the Applicant is not affected with the virus, the jail authorities shall ensure his transportation from the jail till his place of residence.

This order will remain operative subject to compliance of the following conditions by the applicant:-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the trial;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit any offence during the entire period of bail;
5. The applicant will not seek unnecessary adjournments during the trial;
6. The applicant will not leave India without previous permission of the trial Court;
7. The applicant shall inform the Investigating Officer/Court about his address

and residence in case the applicant moves out from his permanent address for any point of time; and

8. The applicant shall not contact any of the other accused persons in this case in any manner whatsoever.

In the event of breach of any of the conditions imposed by this Court, the complainant/victim/State will be at liberty to move an application for cancellation of bail granted today.

This order shall remain effective till the end of the trial but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

Certified Copy on payment of usual charges.