

(2022) 03 MP CK 0088

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 15807 Of 2022

Yuvraj Pandre And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 30-03-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439

Wild Life (Protection) Act, 1972 — Section 2(26B), 2(33), 2(35), 2(37), 9, 39, 48A, 49, 49B, 50, 51

Citation : (2022) 03 MP CK 0088

Hon'ble Judges : Vivek Agarwal, J

Bench : Single Bench

Advocate : Uma Kant Sharma, Manish Kumar Meshram

Final Decision : Allowed

Judgement

Vivek Agarwal, J

This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 (for brevity "Cr.P.C") for grant of bail to the applicants-Yuvaraj Pandre and Brajesh Maravi, who are in custody since 12/03/2022 in connection with Crime No.2659/44 registered at Forest Range Officer, West Baihar, General, District Balaghat for the offence punishable under Sections 2(26B), 2(33), 2(35), 2(37), 9, 39, 48A, 49, 49B, 50 & 51, Wild Life Protection Act, 1972.

It is submitted that they have been made accused on the memorandum of main accused-Rohit Kumar Lilhare, Sri Ram Meravi, Venkatram Saiyam who have been arrested from the spot and from whose possession one live Pangolian was recovered along with one Khukhari. Applicants are employee of NDRF and BSF. They have no complicity. They have been falsely implicated only on the basis of some call details. If applicants are made to face incarceration for long, then their service carrier will be in jeopardy and more over no substantial recovery of any wildlife article/floppy has been recovered from the present applicant. Hence, prayer is made to enlarge the applicant on bail.

Learned Dy. Govt. Advocate for the non-applicant/State opposes the application.

After hearing counsel for the parties and taking into consideration the fact that the applicants have been made accused on the basis of memorandum of main accused and other facts & circumstances of the case, this Court is of the considered opinion that it is a fit case for grant of bail to the applicant. Hence, without commenting anything on merits of the matter, this application is allowed.

I t is directed that applicant shall be released on bail on their furnishing a personal bond in sum of Rs.1,00,000/- (Rupees One Lakh Only) with two solvent sureties of the like amount each to the satisfaction of the Trial Court for his appearance before the Court on the dates given by the concerned Court during pendency of trial. It is further directed that the applicant shall comply with the provisions of Section 437(3) of the Cr. P. C.

This order shall be effective till the end of the trial, however, in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective.

In view of the outbreak of new mutant Omicron of COVID-19, the jail authorities and the State Government are directed to follow the guidelines issued by the Health Ministry in the wake of Novel Corona Virus before and after releasing the applicant.

Certified copy as per rules.