

The High Court of Madhya Pradesh

M.Cr.C.No.48443/2018
(Munna Vs. State of M.P.)

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Jabalpur, Dated : 6-12-2018

Shri Manoj Chansoriya, counsel for the applicant.

Shri R.S.Parihar, P.L., for the respondent/State.

This is first bail application filed under Section 439 of the Cr.P.C. for grant of bail to the applicant.

The applicant has been arrested in connection with Forest Crime POR.No.630/09, registered at Police Station Forest Range Office, Bada Malhara, General Forest Division, Chhatarpur, for the offences punishable under Sections 2A5, 7A 9, 39 & 52 of Wild Animal (Protection) Act, 1972.

The allegation of prosecution is that on 15.11.2018 in village Lidhoura Tigadda, under the jurisdiction of Forest Range Officer, Forest Range Bada Malhara the accused Munna, was having three snakes (Cobra) in his possession and on inquiry from him, he admitted that he had broken the teeth of snakes and used them to show in village to village for earning his livelihood. On that basis, the aforesaid Forest Crime has been registered against him and he has been arrested.

Learned counsel for the applicant has submitted that the applicant is innocent person. The applicant is in custody since 16.11.2018. The trial will take a long time to conclude. It is further submitted that there is no criminal antecedents of the applicant. There is no likelihood of his absconding or tampering with the prosecution witness. Therefore, it is prayed that the applicant be released on bail.

Learned Government Advocate for State has opposed the application for bail.

The applicant is the sole earning member in the family. Prima facie there appears to be no direct evidence to connect

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the applicant with the aforesaid crime. He is in judicial custody since 16.11.2018.

Considering the facts and circumstances of the case, this application is allowed. It is directed that the applicant **Munna**, shall be released on bail on his furnishing personal bond in the sum of **Rs.30,000/- (Rupees thirty thousand only)** with one solvent surety of the like amount to the satisfaction of the trial Court. The applicant shall abide by the conditions as enumerated under Section 437(3) of the Cr.P.C. and in the event of breach of condition of bail, the trial Court will be competent to take coercive action against the applicant.

This M.Cr.C. stands allowed and disposed of.

C.C. as per rules.

(MOHD. FAHIM ANWAR)
JUDGE

M.