

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C.No.53239/2021
(Kanshram Shah Vs. The State of M.P.)
(1)

Jabalpur, dated : 03/12/2021

Shri S.K.Jaiswal, learned counsel for the applicant.

Shri Saurabh Shukla, learned Panel Lawyer for the respondent/State.

Case Diary is perused.

Learned counsel for the rival parties are heard.

The applicant has filed this first application u/S 439 of Cr.P.C. for grant of bail.

The applicant has been arrested by Police Station- Forest Circle Mada, District Singrouli, in connection with Forest Crime No.649/2019 registered in relation to the offence punishable under Sections 2, 9, 39, 50, 51, 52 and 57 of the Wild Life Protection Act.

Allegations against the applicant and co-accused, in short, are that on 14.9.2021 at about 8.30 PM on the information, a search was conducted in village Mithul and one male and one female bear were found dead in the field belonging to the applicant. It was informed that they died due to electric shock and the applicant and co-accused were trying to dig the pit to bury the dead bodies.

Learned counsel for the applicant submits that the applicant is aged about 40 years and he has been falsely implicated in this case. The applicant is in custody since 16/9/2021. Charge-sheet has been filed, therefore, no further custodial interrogation is required. It is submitted that maximum punishment prescribed for the alleged offence is three years only. The applicant has neither hunted nor killed the wild animals. They came into their fields and died due to electric shock on their own. The alleged offences are bailable and triable by J.M.F.C. It is further submitted that in view of outbreak of COVID-19, detention of the applicant in already

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congested prison may be detrimental. The applicant is a permanent resident of District- Singrouli and there is no likelihood of his absconsion, if he is released on bail. He is ready to abide by the terms and conditions as may be imposed by this Court. With the aforesaid submissions, prayer for grant of bail is made.

On the other hand, learned Panel Lawyer opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of bail is made out.

However, it would not be desirable to enter into the merits of the rival contentions at this juncture.

Considering the overall facts and circumstances of the case coupled with the fact that trial is not likely to conclude in near future and prolonged pre-trial detention being an anathema to the concept of liberty, this Court is inclined to grant the bail to the applicant. Accordingly, without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety of the like amount to the satisfaction of the trial Court for his appearance on the dates given by the concerned Court. The applicant shall also furnish a written undertaking before the concerned Court that he will abide by all the terms and conditions of various circulars, as well as, orders issued by the Central Government, State Government and local administration from time to time such as maintaining social distancing, physical distancing, hygiene etc. to avoid proliferation of Corona virus.

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

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conditions of the bond executed by him;

2. The applicant will cooperate in the investigation/trial, as the case may be;

3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;

4. The applicant will not seek unnecessary adjournments during the trial; and

5. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

6. The applicant shall not commit any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically without further reference to the Bench.

A copy of this order be sent to the Court concerned for compliance.

Certified copy/e-copy as per rules/directions.

(S.A. Dharmadhikari)
Judge

HS