

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3598 of 2015**

1. Jaiprakash, aged about 19 years, S/o Thandaram Satnami, R/o Saraskela, Tahsil and Thana Malkharoda, Distt.Janjgir Champa
2. Kanhiya, aged about 50 years, S/o Lakhan, by Caste Sahu, R/o Navapara, Tahsil and Thana Malkharoda, Distt.Janjgir Champa

---Applicants**Versus**

The State of Chhattisgarh, through Distt.Magistrate Distt.Janjgir-Champa

---Non-applicant

For Applicants	:	Mr. Parag Kotecha, Advocate
For Non-applicant	:	Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****12/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.155/2015, registered at Police Station-Dabra, District Janjgir-Champa (C.G.), for the offence punishable under Sections 4, 6 and 11(a) of the Pashu Aatichar Nivaran Adhiniyam.
2. Case of the prosecution, in brief, is that the applicants were found transporting 52 agricultural schedule cattle for the purpose of slaughtering and thereby committed the aforesaid offence.
3. Learned counsel for the applicants would submit that applicants have not committed any offence and have been falsely implicated in this case. He would further submit that the applicants were simply taking the animals as instructed by Thandaram Satnami, his son, Salim Khan and one Bharat Mahant, they are in jail since 1.7.2015 and charge-sheet has not been filed as yet.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; further considering that they are only hawkers and the main accused are Thandaram Satnami, his son, Salim Khan and Bharat Mahant, role of the present applicants and their pre-trial detention, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants **Jaiprakash** and **Kanhiya** shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)

JUDGE

B/-