

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4487 of 2015**

1. Sheshnarayan, 24 Yrs., S/o Maniram, R/o Vill.Mohandi, PS Kharora, Distt.Raipur
2. Rajendra Sahu, 48 Yrs., S/o Late Gajanand Sahu
3. Arjun Dhimar, 39 Yrs., S/o Late Khilawan Dhimar
4. Parghaniha Sahu, 46 Yrs., S/o Late Fhandu Sahu
5. Hitendra Verma, 45 Yrs., S/o Late Jagat Verma
2 to 5 R/o Vill. Ganiyari, PS Kharora, Distt.Raipur (CG)

---Applicants**Versus**

State of Chhattisgarh, BY SHO PS Nevra, Distt.Raipur

---Non-applicant

For Applicants	:	Mr. Raja Sharma, Advocate
For Non-applicant	:	Mr. S. Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****31/08/2015**

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.199/2015, registered at Police Station-Nevra, Distt.Raipur (C.G.), for the offence punishable under Sections 4, 6, 7, 9, 10, 11 of the Pashu Ati. Adhinyam, Sections 4, 5, 6 of the Pashu Ati., 2011 and Section 11 of the Pashu Krurta Adhinyam and Sections 47, 48, 49, 50, 52 and 53 of the Pashu Pari. Adhinyam and Sections 66/192 and 39/192 of the Motor Vehicles Act.

2. Case of the prosecution, in brief, is that on 7.8.2015 the applicants were transporting 22 Schedule agricultural animals to other State for the purpose of slaughtering and thereby committed the aforesaid offences.

3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. He would further submit that in fact, the applicants were executing the

resolution of the Gram Panchayat-Ganiyari dated 25.7.2015 by which Gram Panchayat has passed the resolution to caught hold of stray animals and they should be left to dense forest to get rid of them. He would also submit that the applicants were not taking the animals for slaughtering, charge-sheet has already been filed and the applicants are in jail since 7.8.2015, therefore, they may be released on regular bail.

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; role of the present applicants; their defence, resolution of the Gram Panchayat and pre-trial detention of the applicants, this Court is of the opinion that present is the 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 **Sheshnarayan, Rajendra Sahu, Arjun Dhimar, Parghaniha Sahu** and **Hitendra Verma** 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/-