

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6078 of 2015

1. Chainu, S/o. Late Vishram, Aged About 50 Years, Caste Gond, R/o. Village Sheoni, Tehsil Maanpur, Police Station Khadgaon, Civil & Revenue District Rajnandgaon, Chhattisgarh
2. Ankaalu Ram, S/o. Late Punau, Aged About 40 Years, Caste Gond, R/o. Village Sheoni, Tehsil Maanpur, Police Station Khadgaon, Civil & Revenue District Rajnandgaon, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through : Police Station Bhanupratappur,
District Kanker, Chhattisgarh

---- Respondent

For Applicants : Mr. P.P.Sahu, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.164/2015 registered at Police Station- Bhanupratappur, District Kanker (C.G.) for the offence punishable under Sections 6(1)(10) C.G. Krishak Pashu Parirakshan Adhiniyam & Section 11(1)(क)(घ)(च) Pashu Krurta Nivaran Adhiniyam.
2. Case of the prosecution, in brief, is that on 25.08.2015 a report was lodged that five Cows and two Ox were being transported by way of goading from village Perawadi to village Damkasa. On enquiry, two people ran away and further information was found that the animals were being carried for these applicants Chainu & Ankaalu for slaughter and thereafter the case has been registered.

3. Learned counsel for the applicants submits that there is no evidence against these applicants and only common evidence that the animals were being carried to the village wherein these two applicants were residents and animals were caught just outside the vicinity of village Perawadi; consequently, no evidence is available against these applicants. He further submits that the applicants are in jail since 24.09.2015, therefore, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and evidence, which is available on record and taking into fact that the charge sheet has been filed and considering the detention of the applicants, as they are in jail since 24.09.2015, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each 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/-
(Goutam Bhaduri)
Judge