

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7225 of 2015

Shiekh Shahid, S/o Sheikh Inush, Aged About 23 Years, R/o Plot No.18B,
Mahindra Nagar, Near Pani Tanki, Tekanaka Road, P.S. Panch Pawli,
Nagpur (Maharashtra)

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Incharge, P.S. Somni Distt.
Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. Arvind Dubey, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.173/2015, registered at Police Station– Somni, District Rajnandgaon (C.G.) for the offence punishable under Section 4, 6, 10 of Chhattisgarh Agriculture Cattle Preservation Act, Section 11 of Animal Cruelty Act and Section 66/192 of Motor Vehicle Act. The earlier bail application was dismissed as withdrawn on 27.10.2015 with liberty to repeat after filing of the charge sheet.
2. As per the prosecution case, in brief, on 10.09.2015, the police received an information that at village Khutti near Shivnath River one Truck bearing registration No.MP-20/GA-1013 loaded with animal was standing and when the search was conducted it was found that 25 animals were carried inside a Truck in bad condition

out of which 4 animals were dead. When the police asked the Driver to produce the documents, he failed to produce the same.

3. Learned counsel for the applicant submits that the charge sheet has been filed in this case and no further investigation is necessary. He further submits that the applicant is in jail since 10.09.2015 and the trial may take some time; therefore, he 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 circumstances of the case and taking into fact that the charge sheet has been filed and the offence is triable by JMFC and the applicant is in jail since 10.09.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge