

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 404 of 2016**

- Bardani Lal, S/o Shri Mulchand, aged about 30 years, R/o Village : Nanpurava, Post: Ichauli, P.S. Maudaha, Distt. Hamirpur (U.P.)

---- Applicant**Versus**

- State Of Chhattisgarh Through- District Magistrate, Civil and Revenue Distt. Durg (C.G.)

---- Non-applicant

For Applicant: Mr. Amiyakant Tiwari, Advocate.
For Non-applicant/State: Mr. Suvigya Awasthy, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/02/2016**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 485/2015 registered at Police Station –Supela, District Durg for the offence punishable under Sections 4,6, (1)(2)(3), 10 of Chhattisgarh Pashu Parirakshan Adhiniyam, 2004 and Sections 66/192 & 184 of Motor Vehicles Act.

(2) Case of the prosecution is that present applicant was found transporting 29 scheduled agricultural cattle to the other State for the purpose of slaughtering and thereby committed the aforesaid offences.

(3) Learned counsel for the applicants submits that the applicant is the driver of the vehicle and he is not responsible for transporting the vehicle; he was driving the vehicle as per direction of the owner of the vehicle and, therefore, he is entitled to be released on bail.

(4) On other hand, counsel for the State submits that the applicant has taken the vehicle from the owner of the vehicle on hire for the period of 12 months which was in operation and, as such, he is the responsible person for transporting 29 scheduled agricultural cattle to the other State for the purpose of slaughtering.

(5) Taking into consideration the facts & circumstances of the case; and the manner in which 29 scheduled agricultural cattle were said to have been transported by the applicant to the other State for the purpose of slaughtering, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-