

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3910 of 2016

1. Uday Ram Rathor S/O Sambhu Rathor Aged About 32 Years R/O Village & Post Maargaon, Police Station Samapur District Dindori (M.P.).
2. Amrit Rathor S/O Jagatram Rathor Aged About 40 Years R/O Village Pipariya, Post Maargaon, P.S. Samnapur (Wrongly Mentioned P.S. Pipariya In The Impugned Order) District Dindori (M.P.).
3. Keshav Rathor S/O Sundar Rathor Aged About 44 Years R/O Village & Post Khudiya, P.S. Samnapur, District Dindori (M.P.).
4. Murari Rathor S/O Narayan Rathor Aged About 30 Years R/O Village Rahangi Post Khudiya, P.S. Samnapur Distt. Dindori (M.P.).
5. Jagbandhi S/O Anturam Aged About 23 Years R/O And Village & Post Maargaon P.S. Samnapur District Dindori (M.P.).
6. Jay Singh Rathor S/O Sambhu Rathor Aged About 35 Years Wrongly Mentioned Sanchu In The Impugned Order), R/O Village & Post Maargaon, P.S. Samnapur District Dindori (M.P.).

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kukdur, District Kabirdham Chhattisgarh.

---- Respondent

For Applicant : Mr. V.K. Pandey, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 14-6-2016 in connection with Crime No. 53 of 2016, registered at Police Station Kukdur, District Kabirdham (CG) for the offence punishable under Sections 4, 6 and 10 of Chhattisgarh Krishak Pashu Parirakshan Adhiniyam.

2. Case of the prosecution is that the present applicants were found in possession of 36 alive cattle (oxen) while they were being taken to Kukdur after purchasing the same from Damapur cattle market for slaughtering purpose, thereafter they were arrested with cattle and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in this case, no evidence is available on record to show that the said cattle were being taken to some other place for slaughtering purpose. He would further submit that the applicants are agriculturists, they purchased the aforesaid cattle from Damapur cattle market for agricultural purpose, therefore, no offence can be attributed to the present applicants. He would further submit that the applicants are in jail since 14-6-2016, therefore, they may be released on bail.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the nature of evidence available on record and the applicants are in jail since 14-6-2016, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as
and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju