

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5801 of 2016

1. Homan Kumar S/O Shri Panchkumar, Aged About 25 Years R/O Village- Harnadadar, Thana & Tahsil- Bagbahra, Civil & Revenue Distt. Mahasamund, Chhattisgarh
2. Makhanu Sahu S/O Shri Ratanu Sahu, Aged About 35 Years R/O Village Nawadih, Thana & Tahsil- Bagbahra, Civil & Revenue Distt. Mahasamund, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Bagbahra, Distt. Mahasamund, Chhattisgarh

---- Respondent

For Applicants : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Luv Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27-09-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 26-6-2016 in connection with Crime No. 117 of 2016, registered at Police Station Bagbahra, District Mahasamund (CG) for the offence punishable under Section 4, 6 and 10 of the Chhattisgarh Krishak Pashu Parirakshan Adhiniyam, 2004.
2. Case of the prosecution is that on 26-6-2016 a report was made by complainant Jitendra Kumar Jagat, who is a member of Gau Sewa Samiti that he along with his friends Vijay Mahata and Vijay Kishan Lahare caught hold the applicants while they were taking live cattle (nine cows and three calves) away to slaughter house. They were intercepted and were arrested and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants are agriculturists and there is no evidence on record to show that the said cattle were being taken to the slaughter house and even otherwise the seizure has not been made by the Police. He would further submit that the applicants have been falsely implicated in the instant case, charge-sheet has been filed in the case, the applicants are in jail since 26-06-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the application for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary and statements which would show that the seizure has not been made by the Police.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the fact that the seizure has not been made by the Police and also the fact that the charge sheet has been filed and the applicants are in jail since 26-06-2016, 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

