

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7463 of 2015

1. Pawan Kumar Nishad, aged about 45 years, son of Dashrath Nishad, caste Kewat
2. Jaiprakash Sahu, aged about 22 years, S/o Jagdishram Sahu, Caste Teli

Both residents of village Golkumhada Tahsil Charama, District Uttar Bastar, Kanker ... **Applicants**

Vs.

State of Chhattisgarh, through Police Chowki, Dudhwa, District Uttar Bastar, Kanker, Chhattisgarh ... **Respondent**

For the applicant	:	Mr. Parag Kotecha, Advocate.
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 170/2015 registered at Police Chowki Dudhawa (P.S. Narharpur) Distt. Uttar Bastar Kanker (C.G) for the offences punishable under sections 6, 10 of the C.G. Agricultural Cattle Preservation Act 2004 and Section 11 of Prevention of Cruelty to Animals Act 1960 & Section 66/192 of the Motor Vehicles Act, 1988.
2. As per the prosecution case, .on 29.09.2015 the applicants in a Pick-up Van bearing Regn.No.C.G.05-D/971 without any permit/pass were transporting six cattle towards Orissa for slaughtering. On information being received, the offending vehicle was apprehended and the applicants were taken into custody.
3. Learned counsel for the applicant submits that the applicants

have been falsely implicated in this case and no seizure was made in person from the applicants. He further submits that the applicants are not owners of the cattle and they were only transporting them, therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Having considered the facts and circumstances of the case as also the fact that the charge sheet in this case has been filed and the applicants are in jail since 30.09.2015, I am inclined to release them on bail.
6. Accordingly, this bail petition is allowed and the applicants are directed to be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the trial Court for their appearance as and when directed by the said Court.
7. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**