

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7479 of 2015

1. Thandaram, aged about 45 years, S/o. Panchram, By Caste-Satnami
2. Bharatdas, aged about 22 years, S/o. Sukratdas Mahant, By Caste-Manikpuri.

Both R/o. Village Saraskela, Thana Dabra, District – Janjgir-Champa (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : District Magistrate – Janjgir-Champa (C.G.)

---- Respondent

For Applicants : Mr. Parag Kotecha, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/01/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.155/2015, registered at Police Station – Dabra, District – Janjgir-Champa (C.G.) for the offence punishable under Section 4, 6, 11 a of C.G. Agricultural Cattle Preservation Act, 2004. The first application was dismissed as withdrawn on 19.11.2015 with liberty to move again after filing of the charge sheet.
2. Case of the prosecution, in brief, is that the applicants while were in process of loading the cattle into the truck to transport them to the slaughter house were apprehended and 54 Cows, 1 Calf and 1 Ox was recovered and the applicants could not produce the documents and thereafter on being enquiry, the offence was found to be committed and the case has been registered.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case without any evidence. He would further submit that there is no evidence available in this regard that the cattle which was seized was belonged to the applicants and were meant for slaughter. He would further submit that the applicants are in jail since 13.10.2015 and the charge-sheet in this case has been filed, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
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 the degree of allegation levelled against the applicants and the fact that the applicants are in jail since 13.10.2015 and charge-sheet in this case has been filed, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge