

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3584 of 2016

Jaina Patel, S/o. Shri Somnath Patel, Aged About 36 Years, R/o. Village Chote Bilaigarh, P.S. Saria, Tahsil Baramkela, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Officer in Charge of the P.S. Saria, District Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.07.2016

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 in connection with Crime No.81/2016 registered at Police Station- Saria, District Raigarh (C.G.) for the offence punishable under Section 4, 6 & 10 of the C.G. Agriculture Cattle Preservation Act, 2004 and 11 of the Prevention of Cruelty to Animals Act, 1960.
2. Case of the prosecution, in brief, is that on 21.05.2016 the applicant was goading 14 Cow & Ox and were taken to the slaughter house and the applicant was apprehended at the spot; thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant was under the authority of one Janak Yadav and was taking the cattle to the owner and all the purchase receipts are the part of the charge sheet and no further evidence is required and the applicant

is in jail since 21.05.2016, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and copy of the charge sheet produced before the Court by the applicant which also contains few of the receipts. Taking into the facts and circumstances of the case, nature of offence and degree of allegation and further considering the fact that the applicant is in jail since 21.05.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his 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 his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge