

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7616 of 2015

Tej Taram S/o. Ramesh Taram, Aged about 23 Years, By Caste Gond,
Resident of Nakapara, Charama, Tahsil Charama, District North Bastar,
Kanker (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Incharge, Police Chowki Dudhawa,
Police Station Narharpur (wrongly mentioned as Police Station
Charama in the bail rejection order) District North Bastar Kanker (C.G.)

---- Respondent

For Applicant	:-	Mr. D.N. Prajapati, Advocate
For Respondent/ State	:-	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2016

1. This is the second bail application under Section 439 Cr.P.C for grant of bail to the applicant who has been arrested on 29.09.2015 in connection with Crime No. 170/2015 registered at Police Chowki-Dudhawa, Police Station- Narharpur, (wrongly mentioned as Police Station Charama in the bail rejection order) District North Bastar Kanker (C.G.) for the offence punishable under Section 6,10, of Chhattisgarh Krishak Pashu Parivekshan Adhiniyam, Section 11 of Prevention of Cruelty to Animal Act and section 66/192 of Motor Vehicle Act.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to file afresh after tiling of the charge sheet on 04.11.2015 in M.Cr.C. No. 5885 of 2015.

3. As per the prosecution case, on 29.09.2015 the applicants in a Pick up Van bearing registration 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.
4. Counsel for the applicant submits that the applicant has been falsely implication in this case and no seizure was made in person from the applicant. He further submits that the other co-accused persons namely Pawan Kumar Nishad and Jaiprakash Sahu have already been granted bail by this Court in M.Cr.C. No. 7463 of 2015 on 06.01.2016 and the present applicant may also be entitled for bail on the ground of parity.
5. On the other hand, learned counsel for the State, after verifying the records, would submit that the present case is similar to that of accused persons, who have already been granted bail by this Court.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Having regard to the fact that the applicant is in jail since 29.09.2015 and also the fact that the similarly placed co-accused persons have already been enlarged on bail by this Court in M.Cr.C. No. 7463 of 2015 on 06.01.2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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

Santosh