

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7617 of 2015

1. Balwant Sahu, S/o. Goukaran Sahu, aged about 22 years, By Caste-Teli, R/o. Bulegaon, Tahsil-Charama, District – North Bastar, Kanker (C.G.)
2. Kamlesh Kumar Nishad, S/o. Genduram Nishad, aged about 33 years, By Caste-Kewat, R/o. Village-Bhirouda, Tahsil-Charama, District – North Bastar Kanker (C.G.)

---- Applicants

Versus

The State Of Chhattisgarh, Through : the Incharge, Police Chowki Dudhawa, Police Station- Narharpur, Distt. North Bastar, Kanker (C.G.)

---- Respondent

For Applicants : Mr. D.N. Prajapati, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2015

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.169/2015, registered at Police Chowki – Dudhawa, Police Station– Narharpur, District – North Bastar, Kanker (C.G.) for the offence punishable under Section 6, 10 of Chhattisgarh Krishak Pashu Parivekshan Adhiniyam, Section 11 of the Prevention of Cruelty to Animal Act, and Section 66/192 of Motor Vehicles Act. The earlier bail application was dismissed as withdrawn on 05.11.2015 with liberty to repeat after filing of the charge sheet.
2. As per the prosecution case, in brief, on 29.09.2015 the applicants alongwith other co-accused were taking the cattle to slaughter house for the purpose of slaughtering in a Pickup vehicle and when

the receipt was asked the applicants failed to produce any document; therefore, the offence has been committed.

3. Learned counsel for the applicants submits that the charge sheet has been filed in this case and no further investigation is necessary. He would further submit that similarly placed co-accused in this case has been released on bail by this Court in M.Cr.C.No.7226/2015 vide order dated 22.12.2015, therefore, therefore, the counsel prays that the applicants may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, do not dispute the fact that similarly placed co-accused in this case has been released on bail..
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 further taking into the fact that similarly placed co-accused persons in this case have been released on bail by this Court in M.Cr.C.No.7226/2015 vide order dated 22.12.2015, 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.
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 each 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