

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4078 of 2016

Rakesh Jaiswal, S/o. Poonam Jaiswal, aged about 25 years, R/o. Lal Jhanda Chowk, Yashodara Nagar, Nagpur, District – Nagpur (Maharastra)

---- Applicant

Versus

State Of Chhattisgarh, Through : S.H.O., Police Station – Simga, District – Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.S. Rajput, Advocate

For Respondent : Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.07.2016

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.26/2016, registered at Police Station- Simga, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 365, 429 of I.P.C. and Section 4, 6, 7, 10 & 11 of the C.G. Krishak Pashu Parirakshan Adhiniyam and U/s. 11 (1) (d), 47, 49, 50 of the Pashuo Ke Prati Krurta Adhiniyam and Section 91, 81 of the Motor Vehicle Act.
2. Case of the prosecution, in brief, is that on 05.02.2016, the applicant was carrying 27 number of cattle in the truck bearing No. MH-40N-850 and on being intercepted, the applicant fled away from the truck.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 31.03.2016 and no further investigation is necessary,

therefore, the counsel prays that the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing on behalf of the parties.
6. Considering the facts and circumstances of the case, the nature of allegation leveled against the applicant and the fact that charge sheet in this case has been filed and the applicant is in jail since 31.03.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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