

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4399 of 2016

1. Ramprasad S/O Raisingh Paikra Aged About 40 Years R/O Bitkuli, P.S. Kasdol, District Baloda Bazar - Bhatapara Chhattisgarh
2. Gaucharan Khunte S/O Shiv Prasad Khunte Aged About 42 Years R/O Karmandih, P.S. & District Baloda Bazar Bhatapara Chhattisgarh (As Per The Charge Sheet)

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Basna, District Mahasamund Chhattisgarh

---- Respondent

For Applicants : Mr. Suresh Kumar Verma, Advocate

For Respondent/State : Mrs. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-08-2016

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested on 19-06-2016 in connection with Crime No. 187 of 2016 registered at Police Station Basna, District Mahasamund (CG), for the offence punishable under Sections 4, 6 & 10 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004.
2. Case of the prosecution is that on 19-6-2016 when the applicants were carrying twenty-two alive cattle (oxen, cows & buffaloes) from Mahasamund to Odissa, they were intercepted and on investigation it was found that they were being taken for slaughtering purpose and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicant No.1 is a farmer and applicant No.2 is a businessman who deals in business of purchase and sales of cattle and they have purchased the cattle from the market for

agricultural purpose which is evident from the documents. He would further submit that the applicants have been falsely implicated in the instant case, charge-sheet has been filed in the case, the applicants are in jail since 19-06-2016 and no further investigation is required, therefore, they may be released on bail.

4. *Per contra*, learned State counsel opposes the application for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary and statements which would show that the applicants have purchased the cattle from the market.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the fact that the applicants have purchased the said cattle from the market, charge sheet has been filed and the applicants are in jail since 19-06-2016, 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 and it is directed that the applicants shall be released on bail on each of them 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju