

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4881 of 2016

Kamal Tandan, S/o. Ajab Lal Tandan, Aged About 40 Years, R/o. Vill :
Bodri, P.S. Chakarbhata, Distt. Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Chakarbhata,
Distt. Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajay Ayachi, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.08.2016

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.157/2016 registered at Police Station- Chakarbhata, Distt. Bilaspur (C.G.) for the offence punishable under Section 429 of Indian Penal Code, Section 11(6) of Pashu Atichar Adhiniyam and Section 4(10) of C.G. Krashak Pashu Parirakshan Adhiniyam.
2. As per the prosecution case, on 12.05.2016, the applicant alongwith other accused Battis Verma has beaten a cow and thereafter it was collapsed and lied down in front of house of the applicant. Subsequently, the cow died because of alleged beating, thereby the offence is committed.
3. Learned counsel for the applicant would submit that the charge sheet in this case has been filed and the statement of the complainant has also been recorded wherein nothing has been

stated against the applicant. He further submits that the other similarly placed co-accused Battis Verma has been enlarged on bail by this Court on 26.07.2016 in MCRC No.4098 of 2016, therefore, the present applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the other similarly placed co-accused has been enlarged on bail.
5. Perused the case diary and statement of the complainant. Considering the fact that the charge sheet in this case has been filed, offence is triable by the JMFC and the applicant is in jail since 14.05.2016 and further considering the fact that the other co-accused has been enlarged on bail, 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