

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7718 of 2015

1. Chandrika Prasad, S/o. Shri Heeralal Harijan, Aged About 40 Years.
2. Devnarayan, S/o. Ramkishun Harijan, Aged About 40 Years.

Both are R/o. Village Belbahra, Police Station Jhagrakhand, Civil & Revenue Distt. Korea, District Korea, Chhattisgarh.

----Applicants

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Of Police Station Khadgawa, District Korea, Chhattisgarh

---- Respondent

For Applicants	: Mr. Anil Gulati, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.165/2015, registered at Police Station- Khadgawa, District Korea (C.G.) for the offence punishable under Section 379, 429 of Indian Penal Code and Section 4, 5, 10 of Chhattisgarh Krishi Pashu Parirakshan Adhiniyam.
2. Case of the prosecution, in brief, is that on 03.10.2015 when the complainant Dinesh Singh went to his cattle room, he saw that one of the Cow was missing and thereafter he found that the Cow was taken away for slaughtering and the flash and skin have been taken away. Subsequently, after investigation the applicants were arrested and on

their memorandum one Gadasha and motorcycle was recovered.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He further submits that no recovery of any part of the Cow carcass was recovered from the applicant only a Gadasha and motorcycle was recovered; therefore, they 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 for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and taking into account the degree of allegation and the fact that charge-sheet has been filed and the applicants are in jail since 05.10.2015, 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