

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8247 of 2016

1. Robin Banjare S/o Bhushan Banjare Aged About 31 Years R/o Village- Bhathri, Police Station- Jarhagaon (Wrongly Mentioned As Police Station- Takhatpur), District Mungeli, Chhattisgarh.
2. Johan Das S/o Mangaldas Sonwani Aged About 24 Years R/o Village- Bhathri, Police Station- Jarhagaon (Wrongly Mentioned As Police Station- Takhatpur), District Mungeli, Chhattisgarh. ----

Applicants

Versus

- State of Chhattisgarh through: Station House Officer, Police Station- Nawagarh, District- Bemetara, Chhattisgarh --- **Respondent**

For the applicant	:	Ms. Sofia Khan, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.12.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 165/2010 registered at P.S. Nawagarh, Distt. Bemetara (C.G) for the offences punishable under Sections 4, 6, 7, 9 & 10 of Chhattisgarh Krishak Pashu Parirakshan Adhiniyam and Section 11 of the Pashu Krurta Adhiniyam, 1960.
2. This is a case of bail jump. Earlier, the applicants were enlarged on bail on 18.11.2013 and thereafter they were not regularly present before the Court and their counsel used to file application for condonation of non-appearance and eventually on 19.05.2015 arrest warrant was issued and subsequently they were arrested on 29.11.2016.
3. Learned counsel for the applicants would submit that the

applicants have been falsely implicated and they were already enlarged on bail. She further submits that the applicants being labourers were constrained to go another place in search of their livelihood, therefore, they could not appear. She further submits that all the offences are triable by the JMFC and the applicants are in jail since 29.11.2016, therefore, they may be enlarged

4. Per contra, learned State Counsel opposes the bail.
5. Considering the nature of allegations as the applicants have been charged u/ss 4, 6, 7, 9 & 10 of Chhattisgarh Krishak Pashu Parirakshan Adhiniyam & Section 11 of the Pashu Krurta Adhiniyam, 1960 and also taking into the fact that the offences are triable by the JMFC and it is a case of bail jump and further the applicants are stated to be in jail since 29.11.2016, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**