

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1725 of 2017

1. Bhim Yadav, S/o Shri Hajju Yadav, aged about 28 years, R/o Village Hathibahra, P.S. & Tahsil Bagbahra, District Mahasamund (C.G.)
2. Kadram Ganda, S/o Sunder Ganda, aged about 27 years.
3. Makhiyar Bariha, S/o Shri Bhagat Bariha, aged about 35 years, Both R/o Village Bichhaladadar, P.S. Komakhan, Chouki Tuhalu, Distt. Mahasamund (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through P.S. Komakhan, Distt. Mahasamund (C.G.)

---- Non-applicant

For Applicants:	Mr. R.S. Patel, Advocate.
For Non-applicant:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan BajpaiOrder On Board28/03/2017

1. Heard the matter finally.
2. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.9/2017, registered at Police Station Komakhan, Distt. Mahasamund, for the offence punishable under Sections 4, 6 and 10 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004.
3. Learned counsel for the applicants would submit that the applicants were arrested in Crime No.9/2017 by the Komakhan Police, District Mahasamund under Sections 4, 6 and 10 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004, on 27-1-2017. The

applicants were remanded by the Judicial Magistrate First Class, Mahasamund. It is alleged that the applicants were taking 68 numbers of cattle illegally. They are the first offenders and no any earlier criminal antecedent has been shown against them during investigation. They are the labours of an Agricultural Cattle Businessman Nasim Miyan, R/o Mahasamund and they will not commit any offence in future. This is the first bail application. No any other bail application has been filed by the applicants before this Court or before the Apex Court. They may be granted bail during trial.

4. Per contra, learned State counsel would oppose the arguments advanced on behalf of the applicants though fairly submitted that as per the material, the police has not noticed the involvement of the present applicants in any other similar offence.
5. Perused the material.
6. On due consideration, as all 68 cattle were duly seized and they were noticed by the Veterinary Doctor as healthy, the applicants are first offenders and are in jail for more than two months, I am inclined to allow the instant M.Cr.C.. Consequently, the instant M.Cr.C. Is allowed.
7. It is directed that the applicants be released on bail provided they furnish a personal bond in the sum of Rs.50,000/- each with one solvent surety in the like sum to the satisfaction of the Judicial Magistrate First Class, Mahasamund, for their appearance before the said trial Court as and when directed.
8. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the

Court below, if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or before the Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Soma