

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1698 of 2017

1. Shabbir Khan S/o Vajir Khan Aged About 33 Years R/o Village-Pratappura, Police Station & Tahsil- Diggi (Nukkad), District Tok, Rajasthan.

---- Applicant

Versus

1. State of Chhattisgarh Through S.H.O. Police Station- Bilaigarh , (Out Post- Bhatgaon), District Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant – Shri A.S.Rajput, Advocate.

For Respondent – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

28-03-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No. 26/2017 for the offence under Section 4, 6, 7, 9, 10 and 11 of the Chhattisgarh Krishik Pashu Prirakshan Adhiniyam, 2004 and also under the Rules 48, 49(A), 50 of the Pashuo ke Parivahan Niyam, 1978. The investigation has been completed, charge sheet has been filed and pending before the Judicial Magistrate First Class, Bhatgaon, Distt. Balodabazar, C.G. who had registered the case as Criminal Case No.83/2017 and this is the first bail application, no any other bail application has been preferred before this Court or before the Apex Court. As per the allegation, the applicant was transporting the agricultural cattle 28 in numbers illegally in a truck. Learned counsel would further submit that he is the first offender, he will not commit any offence in future, the offence is punishable upto to R.I. for 7 years and with fine, as all the 28 cattle has been seized, truck is also seized, he will ready to furnish surety, he is in jail since 20-01-2017, he may be enlarged on bail.
3. Per contra, learned counsel for the State opposed the argument

advanced on behalf of the applicant and fairly conceded that there is no any criminal antecedent of the applicant for his involvement in any of the similar crime has been noticed during investigation.

4. Perused the material.

5. On due consideration, I am inclined to allow the instant MCRC. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of the like sum to the satisfaction of the Judicial Magistrate First Class, Bhatgaon, District Balodabazar, C.G. for his appearance before the said trial Court as and when directed by the trial Court.

6. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE