

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1709 of 2017**

- Shiv Satnami S/o Gohan Lal Satnami, Aged About 24 Years R/o Village Dodrapara, Raighar, Post Office & Police Station Raighar, District Navrangpur, Odisha.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Borai, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.3.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No. 05/2017 registered in Police Station Borai, District Dhamtari for the offence punishable under Sections 4, 6 & 10 of the Chhattisgarh Agriculture Cattle Preservation Act, 2004.

3. Case of the prosecution, the applicant along with two other co-accused were illegally transporting 28 cattle and the said cattle were seized from them.

4. Learned counsel for the applicant submits that the applicant is in detention since 16.02.2017 Charge sheet has been filed

before Judicial Magistrate First Class, Nagri, District Dhamtari and the matter is registered as Criminal Case No.56/2017.

5. On the other hand, learned counsel for the State opposes the bail application and would fairly submit that as per the case diary, no criminal antecedent is reported against the applicant.

6. Perused the material.

7. On due consideration, considering the totality of the facts and circumstances of the case, considering the fact that the applicant is in detention since 16.02.2017, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety in the like sum to the satisfaction of Judicial Magistrate First Class, Nagri, District Dhamtari for his appearance before the said Court as and when directed.

10. 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 the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE