

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1710 of 2017**

1. Tankadhar Ber (Satnami) S/o Dhansingh Satnami/Ber, Aged About 25 Years R/o, Village- Dodrapara, Raigarh, Post Office & Police Station - Raigarh, District- Navrangpur, Orissa.
2. Suresh Satnami, S/o Nanduram Satnami, Aged About 53 Years R/o Village Paikbhata, Post Office & Police Station- Sihawa, Tahsil - Nagri, District- Dhamrati, Chhatisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through, 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 applicants, who have 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 applicants along with another co-accused were illegally transporting 28 cattle and the said cattle were seized from them.

4. Learned counsel for the applicants submits that the applicants are 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 applicants.

6. Perused the material.

7. On due consideration, considering the totality of the facts and circumstances of the case, considering the fact that the applicants are in detention since 16.02.2017, this Court is of the opinion that present is the fit case, in which, the applicants 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 applicants shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- each with one solvent surety in the like sum to the satisfaction of Judicial Magistrate First Class, Nagri, District Dhamtari for their appearance before the said Court as and when directed.

10. 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 the Hon'ble 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.

Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE