NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1856 of 2017

1. Naseem Ansari S/o Reyaz Ansari Aged About 29 Years R/o Village Barwahi, Police Station Sanawal, District Balrampur, Chhattisgarh.
2. Jafeer Ansari S/o Nejabuddin Aged About 35 Years R/o Village Barwahi, Police Station Sanawal, District Balrampur, Chhattisgarh.
3. Reyasat Ansari S/o Nasruddin Ansari Aged About 40 Years R/o Village Barwahi, Police Station Sanawal, District Balrampur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer - Police Station Sanawal, District Balrampur, Chhattisgarh.

---- Respondent

For Applicants : Smt. Hamida Siddique, Advocate
For Respondent/State : Shri Neeraj Sharma, Dy. GA

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

12.4.2017

1. 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.3/2017, registered at P.S.Sanawal Civil District Sarguja at Ambikapur, for the offence punishable

under Sections 295-A, 429/34 of the IPC and Sections 4, 5 & 10 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004 (for short the Act of 2004).

3. Learned counsel for the applicants submits that applicant No.1 is arrested on 3.2.2017 and applicant Nos. 2 and 3 are arrested on 30.1.2017. After completion of investigation police had filed charge sheet against 9 accused persons including the present applicants. The matter is pending before the C.J.M. Balrampur- Ramanujganj as Cr. Case No. 50/2017. As per allegations the present applicants and other co-accused slaughtered a bull i.e. agricultural cattle defined under Section 2 (a) of the Act of 2004. She submits that there are no earlier criminal antecedents reported against the applicants and they will not commit any offence in future, therefore, they may be granted an opportunity to remain on bail during trial. The matter is not punishable with imprisonment for life or death penalty and is triable by Magistrate First Class.

4. On the other hand, learned counsel for the State opposes the bail application. However, he fairly conceded that there is no criminal antecedent of the present applicants for their involvement in similar or any other offence is reported.

5. I have heard the counsel appearing for the parties and perused the material.

6. On due consideration, I am inclined to grant one last opportunity to the applicants so that they shall not commit any similar or other offence in future and shall maintain peace and tranquility in the society, consequently, the bail application filed on behalf of the applicants under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.30,000/- with one surety each in the like sum to the satisfaction of the C.J.M., Balrampur- Ramanujganj for their appearance before the said 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 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.

9. The applicants are further directed to mark their appearance before Sanawal Police SHO/IO/Incharge of the Station, as the case may be on first and third Monday of every month at 11.00 am till the conclusion of the trial. If the applicants remain absent and not appear as directed, the concerned police may inform the said to the trial Judge and if the trial Judge after appreciation held that the applicants have not marked their appearance before the concerned Police Station as directed without any proper and cogent reason, the bail granted to the present applicants shall stand cancelled automatically by the trial court without further reference to the Bench under intimation.

Certified copy as per rules.

Sd/
(Chandra Bhushan Bajpai)
JUDGE

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