

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2477 of 2017**

1. Ajmer Ansari S/o Shamsudin Ansari, Aged About 32 Years R/o Village Duldulwa, Police Station Meral, District Garhwa (Jharkhand)
2. Supnarayan, S/o Bannu, Aged About 35 Years R/o Village Turna, Police Station Darima, District Sarguja Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Darima, District Sarguja Chhattisgarh

---- Respondent

For applicants	Mr. Sushil Dubey, Adv.
For Respondent/State	Mr. O.P. Sahu, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****4/5/2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 24-3-2017 in connection with Crime No. 42/2017 registered in PS Darima, Distt. Sarguja (CG) for offence punishable under Section 6, 10 and 11 of the CG Agricultural Cattle Preservation Act, 2004 (in brevity 'Act of 2004').
3. Learned counsel for the applicants submits that charge sheet is not filed, the applicants are remanded by the JMFC, Ambikapur. They are first offenders. They will not commit any offence in future if granted bail. They may be granted bail as the trial may take time. As per allegation, applicant No. 1 Ajmer Ansari was taking 5 cattle and applicant No. 2 Supnarayan was taking six cattle, as defined in the Act of 2004, for purposes of slaughter and they were arrested. It is submitted that both the applicants are innocent, they had purchased the aforementioned cattle. A-1 had purchased the aforementioned 5 cattle and he has annexed the said receipt as A-2 and the cattle seized from A-2 belongs to the joint family member of A-2 which was

seized by the police under suspicion.

4. Per contra, learned State counsel opposed the bail application and submits that during investigation, A-2 himself stated the police regarding his involvement in a case of kidnapping. A-1 is resident of Gadhva (Jharkhand) and also as the applicants have not shown any bonafide receipt, the receipt filed in the matter is not free of doubt because they have not produced the same during investigation.
5. Perused the matter.
6. On perusal, it appears that Section 11 of the Act of 2004 speaks regarding burden of proof of accused hence this is merely a demonstrating onus on the accused, the said section is not a penal section or section in connection with any crime. This fact is observed. As both the applicants are in jail since 1 month and 12 days till date, number of cattle seized from A-1 is 5 and from A-2 is 6, A-2 is resident of Distt. Sarguja, charge sheet is not yet filed, the trial may take some time, on due consideration of above facts but as submitted, the applicants will not repeat the offence, I am inclined to grant one opportunity to the applicants to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Ambikapur for their appearance before the said Court till disposal of the trial regularly as and when directed by the said Court.
7. 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: (iv) the trial Court finds that the applicants remain 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.

8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak