

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3349 of 2017

Darbari, S/o. Khorbahara Gendre, Aged About 42 Years, R/o. Village Beltukari, Tahana : Kharora, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station : Palari, District -Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. N.K. Malviya, Advocate
For Respondent	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

13/06/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.93/2016, registered at Police Station- Palari, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 4, 6, 10 of the Chhattisgarh Agriculture Cattle Preservation Act, 2004.
2. Case of the prosecution in brief is that on 07.03.2016 at about 1.10 in the night, the vehicle Tata Mazada No.MH-40-5525, was intercepted, wherein the applicant was travelling along with other co-accused and it was found that 13 cattle were being transported to the slaughter house at Nagpur and due to over loading and cruel treatment of cattle in the vehicle, two cattle were found dead, thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 21.03.2017. It is

further submitted that similarly placed co-accused – Jamsheed Abdul in this case has been enlarged on bail by this Court in M.Cr.C. No.4003/2016 vide order dated 25.07.2016; therefore, the applicant may also be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that similarly placed co-accused has been enlarged on bail.
5. Considering the facts and circumstances of the case and further considering the fact that similarly placed co-accused – Jamsheed Abdul in this case has been enlarged on bail by this Court in M.Cr.C. No.4003/2016 vide order dated 25.07.2016; this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge