

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4010 of 2017

- Kamlesh Lahre S/o Shri Bhuvan Lahre, Aged About 28 Years R/o Vil: Chapora, P S - Vidhan Sabha, Distt.- Raipur (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through: P S - Kharora, Dist: Raipur (Chhattisgarh).

---- Non-applicant

AND

MCRC No. 4139 of 2017

- Tarun Masih S/o Shri Prem Prakash, Aged About 30 Years R/o Village Kharora, Tahsil Tilda, Police Station Kharora, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kharora, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant MCRC 4010/17

: Ms. Arpana Singh,
Advocate.

For Applicant MCRC 1439/17

: Shri Devershi Thakur,
Advocate.

For Respondent/State

: Shri Ashok Swarnkar,
Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

09.10.2017

1. As the MCRC No.4010/2017 and MCRC No.1439/2017, arise out of the same crime number and incident, both are being heard disposed of by the common order.
2. Perused the office notice dated 26.09.2017, as per note only the present applicants had preferred petition to enlarge them on bail.
3. Heard the matter finally.
4. Learned counsel for the applicants would further submit that all the applicants had been arrested in connection with Crime No. 104/2017, on 24.04.2017, Police Station Kharora, Distt. Raipur (C.G.), for the offence under Section 5 and 10 of The Chhattisgarh Agricultural Cattle Preservation Act 2004.
5. Learned counsel for the applicants would submit that after investigation police had filed charge-sheet which is pending before Judicial Magistrate First Class Raipur, (C.G.) as Criminal Case No. 3980/2017. As per allegation from the applicant Tarun Masih 2 Kg, fresh flesh and 2 kg dried, flesh of agricultural cattle along with 100 rupees sale proceed were seized, from the applicant Kamlesh Lahre 500 gr of flesh of agricultural cattle has been seized. Learned counsel for the applicants would submit that both the applicants are the first offenders and they will not commit any offence in future, as

the trial may take some time for its conclusion, they may be granted on bail.

6. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicants on the basis of fact surfaced in the charge-sheet in the aforementioned offences, though fairly conceded that both the applicants had no criminal antecedent.
7. Perused the entire matter.
8. As both the applicants are in custody for 5 month 16 days till date, charge-sheet has been filed, trial may take some time, no any criminal antecedent was reported against both the applicants, looking to the long detention of both the applicants and other facts, I am inclined to grant on opportunity to the applicants so that they will not commit any offence in future and shall not involve themselves in any of the crime and shall remain peacefully in the society.
9. Consequently, both the instant MCRCs is hereby allowed.
10. 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 of like some amount for applicant to the satisfaction of Judicial Magistrate First Class Raipur, C.G., for their appearance before the said Court as and when directed.
11. It is made clear that the 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.

Sd/-

(Chandra Bhushan Bajpai)

Judge