

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4540 of 2017**

1. Anil Masih S/o Sant Masih, Aged About 30 Years R/o Ward No. 03, Ganeshpur, Police Station Simga, District Baloda Bazar Bhatapara, Chhattisgarh.
2. Javel Masih S/o John Masih, Aged About 33 Years R/o Ward No. 3, Ganeshpur, Police Station Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioners**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Simga, District Balodabazar, Bhatapara, Chhattisgarh.

---- Respondent

For the Petitioners : Shri Atanu Ghosh, Advocate.
 For the Respondent/State : Shri Arvind Kumar Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.81 of 2017, registered at Police Station – Simga, District – Baloda Bazar, Bhatapara, Chhattisgarh for the offence punishable under Section 429 read with Section 34 of the Indian Penal Code and Sections 4, 5, 10 and 11 of the Chhattisgarh Krishak Pashu Parirakshan Adhiniyam, 2004.

2. Learned counsel for the applicants submits that the applicants are in jail since 22.03.2017. The applicants are innocent and they have been falsely implicated in this case. Hence, it is prayed that the applicants may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the offence committed by the applicants has an effect on the society at large. Hence, it is prayed that the applicants are not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case, both the applicants were found dressing a dead cow. The articles were seized, the case was registered and the charge-sheet has been filed after investigation. Considering the fact that the offence is triable by the Judicial Magistrate First Class, the applicants are already in jail since almost more than seven months and no purpose would be served if the applicants were kept in detention for the whole period of trial. Hence, this application is allowed.

6. Accordingly, the bail application filed 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.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge