

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4885 of 2017**

- Akash Mohdekar, S/o Shri Purushottam Mohdekar, Aged About 27 Years, R/o Nagpur P. S. Panchpawli, District Nagpur Maharastra.

---- Applicant**Versus**

- State Of Chhattisgarh Through The District Magistrate Durg District Durg Chhattisgarh.

---- Respondent

For Applicant	: Shri Arvind Dubey, Advocate.
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22.08.2017**

Heard finally.

2. The applicant has preferred this application for grant of bail as he is arrested on 13/05/2017, in connection with Crime No. 333/2016, registered in Police Station Pulgaon, Distt. Durg (C.G.) for offence punishable under Section 4, 6 and 10 of the Chhattisgarh Agricultural Cattle Preservation Act 2004, Section 11 of the Preservation of Cruelty Animal Act 1960, and also the Section 66/192 of the Motor Vehicle Act, 1988.

3. Learned counsel for the applicant submits that after investigation charge-sheet has been filed which is pending before the Judicial Magistrate First Class, Durg, as Criminal Case No.

3807/17. Learned counsel for the applicant would submit that he is in custody for 3 months 9 days till date. He is the first offender and will not commit any offence in future if granted bail. He may be granted bail as the trial may take time and as per allegation, he was taking 12 Agricultural Cattle for the alleged slaughter by transporting them in the said vehicle. The Police had seized those 12 Agricultural Cattle and also seized the vehicle in question. The applicant will cooperate in the trial though, he is a resident of Distt. Nagpur Maharashtra. He will appear regularly, he may be granted bail during the trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant and looking to the act of the applicant and also he was not a resident of Chhattisgarh and taking 12 animals for slaughter, the instant MCRC may be dismissed.

5. Perused the matter.

6. As the applicant is the first offender, he is in jail since 3 months 9 days till date, charge-sheet has been filed, trial may take some time, the agricultural cattle and the concerned vehicle has been seized, there is no criminal antecedent reported against the applicant, he is aged about 27 years, after consideration of entire facts, I am inclined to grant one opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, instant MCRC is allowed.

8. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with two

solvent sureties each of Rs.50,000/- to the satisfaction of the JMFC Durg (C.G.), for his appearance before the said Court regularly as and when directed by the said Court.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason.

10. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Pulgaon, Distt. Durg **on every 1st and 3rd Monday at 11:00 am** till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent reason and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

11. Register (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

12.. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge