

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5111 of 2017**

- Babban Masih, S/o Parveen Masih, Aged About 23 Years, R/o Village Vishrampur, Police Station Simga, District Balodabazar Bhatapara (Chhattisgarh).

---- Applicant**Versus**

- State Of Chhattisgarh Through S. H. O. Police Station Chilphi, District Kabirdham (Chhattisgarh).

---- Respondent

For Applicant	: Shri Anusueya Rajput, Advocate.
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29.08.2017**

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 18/05/2017, in connection with Crime No. 11/2017, registered in Police Station Chilphi, Distt. Kabirdham (C.G.) for offence punishable under Section 4, 6 and 10 of the Chhattisgarh Agricultural Cattle Preservation Act 2004 and Under Section 66/192, 146/196, 03/181, 05/180 of Motor Vehicles Act, 1988.

3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet which is pending before the Chief Judicial Magistrate, Kabirdham (C.G.) as Criminal Case No.622/2017. Learned counsel for the applicant would further submit that the applicant is the first offender and no criminal antecedent has

been reported against him. As per the allegation, the applicant was taking total 14 Agricultural Cattle for alleged slaughter and also as the vehicle in question was not under the appropriate provisions of the Motor Vehicles Act, 1988. He is in custody and charge-sheet has been filed and also seized the motor-vehicle bearing Registration No. CG 04 LC 2549, and the applicant will not commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant and would submit that even the applicant was not having any papers required under the Motor Vehicles Act, 1988 and he was taking 14 Agricultural Cattle for the slaughter. Hence, the instant MCRC may be dismissed.

5. Perused the matter.

6. As the applicant is in custody for 3 month 11 days till date, charge-sheet has been filed, trial may take some time, the vehicle in question bearing Registration No. CG 04 LC 2549 is also seized along with 14 Agricultural Cattle, applicant is the resident of Vishrampur Distt. Baloda Bazar (C.G.) on consideration of the entire facts, also as earlier, no criminal antecedent of any nature has been reported against the applicant, I am inclined to grant last 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 of Rs.50,000/- to the satisfaction of the CJM Kabirdham (C.G.), for his appearance before the said Court regularly as and when directed by the said Court. for their 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 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 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 applicants remains 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.

10. The applicants are further directed to appear before the concerned SHO/IO/in-charge of the Police Station Chilphi, Distt. Kabirdham, (C.G.) **on every 1st and 3rd Monday at 11:00 am** till trial. If the applicants fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicants remains absent without any cogent reason and proper reason as directed, the bail granted to applicants 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