

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7008 of 2017**

Israr Khan Kureshi, S/o. Mohamad Hajinath Kureshi, Aged About 35 Years,
R/o. Tata Nagar Camp, Beside Basant Talkies Dairy, Thana - Cantonment,
District -Durg, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh, Through : The District Magistrate, Balod, Chhattisgarh.

---- Respondent

For Applicant	: Dr. N.K. Shukla, Sr. Advocate with Mr. Vikram Sharma & A. Sen Gupta, Advocates
For Respondent/State	: Mr. Sumit Jhanvar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****17/11/2017**

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 applicant, who has been arrested in connection with Crime No.153/2017, registered at Police Station – Arjunada, District – Balod (C.G.) for the offence punishable under Section 279 of the Indian Penal Code and Section 4, 6, 10, 11 of Krishak Pashu Parikshan Adhiniyam, 1959, Section 11 (d) of Prevention of Cruelty to Animal Act, 1960 and Section 66/192, 3/181, 130(3)/177 of Motor Vehicles Act.

2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. Applicant has been diagnosed as suffering from AIDS disease and on the test made has resulted as HIV positive, hence, for the purpose that applicant receives proper and adequate treatment, it is prayed that the applicant 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. Although it is admitted that the applicant is suffering from AIDS disease.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. It is alleged in the case against the applicant that some cattle were transported in a truck for taking them to the slaughter house. The truck was intercepted by the police personnels of Arjunda Police Station, the driver of the said truck fled from the spot and 13 cattle heads were found on the truck. Case has been registered against the applicant and others, applicant is in jail since 03.09.2017.
6. Considering the submissions made and the contents of the case diary and further considering the fact that applicant is resident of District – Durg and his availability can be ensured by imposing conditions and further taking into consideration this fact that the applicant is suffering from AIDS disease, for which regular and proper treatment is required to be taken, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his 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 his appearance as and when directed.

Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram