

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4371 of 2017

1. Dhaniram Mahanand, S/o. Shri Khageshwar Mahanand, Aged About 45 Years, R/o. Village- Taanvat, District Nuapada, Orissa.
2. Nakul Mahanand, S/o. Shri Nanda Mahanand, Aged About 40 Years, R/o. Village Aambahali, Thana- Khaprakhol District Balangir, Orissa.
3. Parmeshwar Sabar, S/o. Shri Yadu Sabar, Aged About 40 Years, R/o. Village- Lohdongri, Thana- Latur, District Balangir, Orissa.
4. Pihu Yadav, S/o. Shri Chaitram Yadav, Aged About 45 Years, R/o. Taanvat, District Nuapada, Orissa.
5. Padmlochan Dhurva, S/o. Shri Bisahu Dhurva, Aged About 40 Years, R/o. Village Diyamunda, Thana- Tarbod, District - Nuapada, Orissa.
6. Nitiya Raut, S/o. Shri Supti Raut, Aged About 32 Years, R/o. Village- Makhanguda, Thana- Paaikmaal, District- Bargah, Orissa.
7. Neelkanth Jagat, S/o. Shri Trilochan Jagat, Aged About 35 Years, R/o. Village- Tengnabasa, Thana- Lakhna, District- Nuapada, Orissa.

---- Applicants

Versus

The State Of Chhattisgarh, Through the Station House Officer,
Police Station- Mahasamund, Civil & Revenue District
Mahasamund, Chhattisgarh.

---- Respondent

For Applicants : Mr. Sumit Shrivastava, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate with
Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.06.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.236/2017 registered at Police Station- Mahasamund, District Mahasamund (C.G.) for the offence punishable under Sections 4 & 6 of the Chhattisgarh Agriculture Cattle Preservation Act, 2004. The first bail application was dismissed as withdrawn on 14.06.2017 in

MCRC No.3639 of 2017 with liberty to repeat after filing of the charge sheet.

2. As per the prosecution case, on 04.05.2017, the member of Vishva Hindu Parisar, Gau Raksha Sanstha Raipur caught hold of the applicants with their cattle numbering into 290 on the ground that the cattle were taking to the slaughter house, as the applicants did not have any valid documents.
3. Learned counsel for the applicants would submit that this is the second bail application, the first bail application was dismissed as withdrawn with liberty to repeat after filing of the charge sheet and now the charge sheet has been filed. He submits that no further investigation is necessary and the applicants are in jail since 04.05.2017, therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that the charge sheet has been filed, applicants are in jail since 04.05.2017 and the offence is triable by JMFC, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge