

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 465 of 2018

- Harish Verma S/o Rajendra Verma, Aged About 37 Years, R/o Laxmi Para, Ward No. 3, Jamul, District Durg Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Durg Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri B.P. Singh, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

15-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 18-08-2017 in connection with Crime No.134/2017 registered at Police Station Dhamdha, District Durg, Chhattisgarh for the offence under Section 409, 429, 420, 467, 468, 471, 34 of the IPC and Section 4 and 6 of the Chhattisgarh Agricultural Cattle Preservation Act and Section 11 of the Prevention of Cruelty to Animals Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant was President and Chairman of the Shagun Goshala in Village Rajpur, District Durg. The capacity of the said Goshala was to keep 370 animals, whereas the applicant had received 900 animals from the various kanji house and other sources to be kept in the Goshala, because of which, proper management has suffered to some extent. The animals that have died, have died due to natural causes. The complaint against this applicant is politically motivated. The applicant is in jail since 18-08-2017. He is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that there is clear evidence of the witnesses examined under Section 161 of the Cr.P.C. that the applicant in the capacity of office bearer of the said Goshala has received Rs.93,63,000/- which was not used for fodder and maintenance of the animals in the Goshala, which has resulted in the death of 30 cows due to malnutrition and the postmortem report shows that no green fodder was found inside the stomach of the animals. Hence, the applicant is not entitled for grant of bail.

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

5. Dr. S.K.Panigrahi, Secretary, C.G. State Gosewa Ayog has lodged FIR on 18-08-2017 alleging that Rs.93,63,000/- was granted for the purpose of fodder, maintenance etc. of the cows in the Goshala of this applicant. On the date of inspection it was found that 30 cows had died due to malnutrition. On enquiry it was confirmed that the applicant had been negligent in care and maintenance of the animals present in his Goshala, on the basis of this information the case has been registered.

6. Considered on the submissions made and contents of the case diary.

7. The applicant is local resident of District Durg, he is in detention since 18-08-2017, the trial against him is likely to take some time before its conclusion, hence, for these reasons, I am of this view that the applicant should be released on bail during pendency of the trial against him.

8. Consequently, the application (MCRC No.465/2018) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge