

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 399 of 2018**

Bhushan alias Bittu Tarare, Son of Omkaar Tarare, aged about 23 years, resident of village Azad Nagar, Kamthi, PS Kamthi, District Nagpur (MH) Civil and Revenue District Nagpur (MH)

---- Applicant**Versus**

State of Chhattisgarh through Police Station Simga, District Balodabazar Bhatapara (CG)

---- Respondent

For Applicant	:	Ms. Supriya Upasane, Advocate
For Respondent/State	:	Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12/03/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 15.11.2017 in connection with Crime No. 339/2017 registered at Police Station Simga, District Balodabazar Bhatapara (CG) for the offence punishable under Sections 4, 6 & 10 of CG Krishi Pashu Atiachaar Adhiniya.

2. The allegation, as per the prosecution, against the present applicant is that he was found to be driving a truck bearing registration No. CG 04 LJ 9548 going to Nagpur via Nandghat Nimtara carrying 43 cattle of which 6 were found to be dead.

3. Counsel for the applicant submits that the applicant was totally unaware of the ownership of these cattle as he was only a truck driver and he was asked for transporting the said cattle to the destination as assigned to him. Thus, prayed for the applicant to be released on bail.

4. State counsel, on the contrary, submits that taking into consideration

the seriousness of the offence and also considering the fact that a large number of cattle were being transported in one truck, the applicant does not deserve to be released on bail.

5. Having heard the contentions put forth on either side and on perusal of the record it reflects that till now the owner of the truck has not been made an accused. The State counsel is not able to convince this Court as to why the owner has not been made an accused. Admittedly, the applicant was a driver of the said truck. Given the facts and circumstances of the case, this Court is of the opinion that it is a fit case where the present applicant can be released on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE