

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4175 of 2018

- Kumar S/o Itwari, Aged About 48 Years R/o Village Kareli, Thana Berla District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dhamdha District Durg Chhattisgarh.

---- Respondent

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MCRC No. 4194 of 2018

1. Chinta Pardhi, S/o Ramprasad, aged about 48 years
2. Smt. Sushila Pardhi, W/o Chinta Pardhi, aged about 47 years.

R/o Village Sohagpur, Police Station Parpodi, Tahsil Saja, District Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg, Police Station Dhamdha District Durg (CG).

---- Respondent

For Applicants	:	Shri T.K. Jha & Shri J.K. Gupta, Advocates
For Respondent	:	Shri R. Agrawal, Government Advocate

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

02/07/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.

2. This is the first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested on 22.4.2018 & 23.4.2018 respectively in connection with Crime No.91/2018 registered at Police Station Dhamdha, District Durg (CG) for the offence punishable under Sections 6, 10 of the CG Krishak Pashu Parirakshan Adhiniyam, 2004 and Section 11 of the Prevention of Animal Cruelty Act, 1960.
3. As per the prosecution case, on 22.4.2018 the police seized 26 cattle from the possession of the applicants which they were taking for the purpose of slaughtering and thereby they have committed the aforesaid offences.
4. Learned counsel appearing for the applicant would submit that the applicants have purchased the cattle in question for the agriculture purposes and, as such, they have not committed any offence and they have been falsely implicated in the offence. Certain receipts showing purchase of cattle have also been filed along with the application. He further submits that applicant is in jail since 22.4.2018 & 23.4.2018 respectively, the offence is triable by the Magistrate and therefore no useful purpose would be served in detaining them in jail and, therefore, they may be released on bail.
5. On the other hand, learned counsel for the State submits that applicants were taking the cattle illegally without any authority of law for the purpose of slaughtering and, therefore, they are not entitled for regular bail.
6. Taking into consideration the facts and circumstances of the case, in particular the nature of allegation levelled against the applicants, but without commenting anything on the merits of case, I am inclined to release the applicants on regular bail.

7. Accordingly, both the applications are allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh only) each with one surety in the like sum to the satisfaction of the trial Court concerned. They are directed to appear before the trial Court concerned on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-
(Pritinker Diwaker)
Judge

roshan/-