

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4748 of 2018

- Om Prakash S/o Ramsagar Aged About 37 Years R/o Village Sargawan, P.S. Gandhinagar, Tahsil Ambikapur, District Surguja, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Lakhanpur, District Surguja, Chhattisgarh

---- Respondent

For Applicant :Shri C.Jayant K.Rao, Advocate.

For Respondent/State :Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

31/07/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 85/2018, registered at Police Station Lakhanpur, District Surguja (C.G.), for the offence punishable under Sections 4, 6, 10 & 11 of the Chhattisgarh Agriculture Cattle Preservation Act, 2004 and Section 11 (d)(e)(i) (1) of the Prevention of Cruelty to Animal Act & Sections 81 & 91 of the Motor Vehicles Act.
2. As per prosecution story, on 07-05-2018 on the basis of

information received from the informant, the police has searched a vehicle (pickup) driven by the present applicant, wherein, it was found that co-accused Anish Ansari and the present applicant was allegedly transporting 5 cattle. On the basis of said illegal transportation of the cattle, offence was registered and the applicant was arrested on 07-05-2018 itself.

3. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the main accused Anish Ansari was a transporter of the said cattle and he has been granted benefit of bail by this Court vide order dated 26.06.2018 passed in MCRC No. 3953/2018. He further submits that Charge-sheet has already been filed, the applicant is in custody since 07-05-2018 and trial will likely to take some time, therefore, the applicant may released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
6. Considering the above facts and circumstances of the case, further considering the fact that another co-accused has already been granted benefit of bail by this Court and also considering the detention period of the accused/applicant, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on

executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
(Arvind Singh Chandel)
Judge

Shubham