

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5149 of 2018**

Sahdeo, S/o Jaga, aged about 46 years, R/o Village Patrapali, Police Station Patthalgaon, District Jashpur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Patthalgaon, District Jashpur (CG). **---- Non-applicant**

For Applicant : Mr. Ajeet Kumar Yadav, Advocate.

For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****20.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No.127/2018 registered at Police Station Patthalgaon, District Jashpur for the offence punishable under Sections 429, 120-B of Indian Penal Code and Section 10 of Chhattisgarh Agricultural Cattle Parirashan Adhiniyam, 2004.
3. Case of the prosecution, in brief is that the present applicant/accused along with co-accused persons Prakash Kumar and Kiran Lakra had purchased a bull and thereafter co-accused Prakash Kumar killed the bull in the house of the applicant. Thereafter, the applicant and co-accused distributed the beef of the bull. The incident

was taken place on 25.05.2018 in village Patrapali. Some body parts of the bull were also seized from the house of the applicant.

4. The applicant is in custody since 26.05.2018.
5. Counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
6. On the other hand, counsel for the State submits that there is no previous antecedents against the applicant.
7. I have heard counsel for the parties and perused the case diary with utmost circumspection.
8. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; the offences are triable by JMFC and charge-sheet has already been filed; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
10. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.20,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE