

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5653 of 2018**

1. Manoj Kumar Panna S/o Julius Panna Aged About 35 Years Caste- Uron, R/o- Matipahadchharra, P.S. Tumla, District- Jashpur, Chhattisgarh.
2. Jaipal Minj S/o Victor Minj Aged About 40 Years Caste- Uron, R/o- Matipahadchharra, P.S. Tumla, District- Jashpur, Chhattisgarh.
3. Alphones Lakra S/o Mariyanus Lakra Aged About 29 Years Caste- Uron, R/o- Matipahadchharra, P.S. Tumla, District- Jashpur, Chhattisgarh.
4. Manohar Toppo S/o Santosh Toppo Aged About 30 Years Caste- Uron, R/o- Matipahadchharra, P.S. Tumla, District- Jashpur, Chhattisgarh.
5. Lajrus Panna S/o Benedik Panna Aged About 40 Years Caste- Uron, R/o- Matipahadchharra, P.S. Tumla, District- Jashpur, Chhattisgarh.
6. Vipin Tirki S/o Biliam Tirki Aged About 30 Years Caste- Uron, R/o- Matipahadchharra, P.S. Tumla, District- Jashpur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through- Station House Officer, Tumla, District- Jashpur, Chhattisgarh.

---- Non-applicant

For Applicants : Shri J.K. Saxena, Advocate.

For Non-applicant : Shri Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****29.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants 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. 33/2018 registered at Police Station – Tumla,

District – Jashpur (C.G.) for the offence punishable under Section 429 of the Indian Penal Code and Sections 4, 5, 10 of Chhattisgarh Krishak Pashu Parirakshan Adhiniyam, 2004.

3. Case of the prosecution, in brief is that in village Matipahar applicants killed a cow for eating its flesh.
4. The applicants are in custody since 25/26.06.2018.
5. Learned counsel for the applicants submits that the offence is triable by JMFC, applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicants.
7. Looking to the 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 trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if each applicant furnishes two solvent sureties for a sum of Rs.15,000/- each along with a personal bond of Rs. 30,000/- to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE