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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5068 of 2018**

Shyama Charan Madhukar S/o Nanhu Ram Madhukar Aged About 42 Years R/o Indira Nagar, Shukrawari Bazar, Birgaon, Police Station Ranitarai, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Office, Police Station Ranitarai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 5764 Of 2018**

Mahaveer Yadu S/o Bhukhau Ram Yadu Aged About 32 Years R/o Village Gadadih, Tahsil Patan, District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through The District Magistrate Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Yogesh Chandra and Shri Ganesh Burman, Advocates.
For the Respondent/State	:	Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.08.2018**

Heard.

- Both these applications are being decided by this common order as they arise from the similar matter. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.62 of 2018, registered at Police Station Ranitarai, District – Durg, Chhattisgarh for the offence punishable under Section 379 of

the Indian Penal Code, Sections 4, 6 and 10 of the Chhattisgarh Agricultural Animal Protection Act, Section 11(ja) of the Animal Cruelty Act and Section 66/ 192 of the Motor Vehicles Act.

2. Learned counsel for the applicants submit that the applicants in both the cases are in jail since 31.05.2018 and they have been falsely implicated in these cases. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. There is no requirement to keep the applicants in custody. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. The allegation against the applicants is that they committed an offence of theft of agricultural cattle and transporting the same in a Metador bearing registration No.C.G.-04 MD-9277. While transporting the same, the driver and passenger of the said Metador on seeing the police personnel of P.S. Ranitarai, District Durg left the vehicle and fled from the spot. Seizure of the vehicle and the cattle being transported made accordingly. Later on, both the applicants have been arrested on this basis that applicant – Shyama Charan Madhukar is the owner of said vehicle and applicant – Mahaveer Yadu is said to be loader of goods in that vehicle.

6. After due consideration on all the material present in the case-diary, I am of the considered opinion that the applicants deserve to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge