

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5581 of 2017

- Bharat Gaikawad S/o Anandram Gaikwad, Aged About 32 Years R/o Village Kathiya, Police Station Mandir Hasod, Raipur, Tahsil And District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Mandir Hasod, District Raipur Chhattisgarh.

---- Respondent

And

MCRC No. 5842 Of 2017

- Jainul Farooqi S/o Aayazuddin Farooqi, Aged About 30 Years R/o Madini Chowk Sanjay Nagar, Tikrapara, Police Station Tikrapara, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through The Station House Officer, Police Station Mandir Hasaud, Raipur Chhattisgarh.

---- Respondent

For Applicants	:	Ms. Anju Ahuja and Mr. B.D. Guru, Advocate.
For Respondent	:	Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/01/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. These are the first bail applications filed on behalf of both the applicants under Section 439 of the Code of Criminal Procedure, for

grant of regular bail to them as they have been arrested in connection with Crime No. 161/2017 registered at Police Station- Mandir Hasaud, District – Raipur (C.G.) for the offences punishable under Sections 429, 34 of Indian Penal Code (for short 'IPC') and Sections 4, 5, 6 and 10 of CG Krishak Pashu Parirakshan Adhiniyam, 2004.

3. Learned counsel for the applicants submit that applicants have been falsely implicated in this case. Applicants are in jail since 24.5.2017. On the basis of the material in the charge-sheet against the applicants, no case is made out against them for the offences for which they are being prosecuted. Co-accused person Tahal Singh @ Badku Verma has already been granted bail by this Court vide order dated 27.11.2017 in MCRC No.5582/2017. Applicants also have a similar case, hence, prayed that applicants be granted regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that there is evidence in the statement of witnesses about the involvement of the applicants in the offences, for which, they are being prosecuted, hence, they are not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. One FIR was lodged by the Sarpanch on 19.5.2017 stating that three unknown persons have slaughtered and butchered the calves for meat on the spot of incident. Police party reached the spot and found butchered calves meat and knives used for butchering. On the basis of the statement given by the witnesses, arrest of the applicants has been made. The case is pending before the trial Court.
7. Considering the submissions made and the contents of the case diary and taking into consideration this fact that applicants are local

residents of District Raipur and co-accused persons have already been granted bail, hence, applicants in both the cases also deserve to be released on bail. For these reasons, I am of this view, that this is a fit case where the applicants should be benefited with grant of regular bail.

8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge