

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7370 of 2018

1. Itali @ Patalu, S/o. Fuleshwar, Aged About 50 Years, R/o. Village Ramnagar, Police Station & Tahsil Ambikapur, District Surguja, Chhattisgarh.
2. Kandra @ Agastu, S/o. Suleman, Aged About 25 Years, R/o. Village Ganjhadand, Police Station & Tahsil Ambikapur, District Surguja, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Ambikapur Civil & Revenue District Surguja, Chhattisgarh.

---- Respondent

For Applicants : Mr. Chandrabhushan Kesharwani, Advocate

For Respondent : Mr. D.R.Minj, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.10.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.1095/2018 registered at Police Station- Ambikapur, District Sarguja (C.G.) for the offence punishable under Sections 429/34 of Indian Penal Code and Section 4, 5, 10 & 11 of C.G. Krishak Pashu Parikshan Adhiniyam, 2004.
2. As per the prosecution case, one Ramawtar filed a report 27.05.2018 that while his domestic cattle went for grazing in the evening one Bull did not come back. Subsequently, it was found that Bull is killed and after enquiry, it was revealed that the present applicant along-with other co-accused has killed the Bull and used

the flesh for their own and few of the flesh was also recovered from the house of Parmeshwar.

3. Learned counsel for the applicants submits that some flesh was recovered from the house of one Parmeshwar and only on the presumption, the applicants have been inculpated. He further submits that the charge sheet has been filed and the applicants are in jail since 01.06.2018, therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and taking into nature of the evidence and also the fact that the charge sheet has been filed, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge