

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7476 of 2017**

Vijay Singh @ Rugata S/o Bhagwan Singh Jat, Aged About 40 Years
R/o Runkata Kumhar Basti, Police Chowki Runkata, P. S. Kiranali,
District Agara U. P., Uttar Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate Durg
Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Gupta, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.01.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.68 of 2015, registered at Police Station – Durg, District – Durg, Chhattisgarh for the offence punishable under Sections 2(F), 4, 6 and 10 of the Chhattisgarh Krishak Pashu Parirakshan Adhiniyam, 2004 and Section 11(1) of the Pashu Krurta Nivaran Adhiniyam, 1960.

2. Learned counsel for the applicant submits that the applicant is in jail since 28.10.2017 and has been falsely implicated in this case. There is no evidence in the prosecution case that the applicant was transporting the cattle heads to slaughter house at Nagpur and the applicant was simply

transporting the cattle on the basis of transport contract with the consignor. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant is the owner of the said truck and the cattle was being transported by him on his own to the slaughter house as per the evidence available. Hence, the applicant is not entitled for grant of bail.

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

5. On 3.4.2015, truck bearing registration No. RJ-11 GA-3810 was stopped and searched by the villagers of village Nankhathi. On truck, 14 numbers of cattle heads were found being transported. Police was informed, however, when the police arrived on the spot the applicant had already fled from the spot leaving everything behind.

6. Considering the submissions and the contents of the case-diary, and taking into consideration the nature of the case and the evidence i.e. proposed against the applicant for its trial, I am of the considered view that in this case the applicant deserve to be enlarged on bail.

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

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge