

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7616 of 2017

- Ashfaq Khan S/o Rafiq Khan, Aged About 25 Years, R/o Village Kamali
P. S. Chhapara, District Shivani Madhya Pradesh, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Masturi, District
Bilaspur Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 11-10-2017 in connection with Crime No.83/2017 registered at P.S. Masturi, District Bilaspur, Chhattisgarh for the offence under Section 4, 6 and 10 of the Chhattisgarh Krishik Pashu Parikshan Adhiniyam and under Section 3, 11 of Pashu Krurta Nivaran Adhiniyam.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case and false seizure of the documents of the concerned truck has been made from this applicant, whereas, this applicant was not registered owner of the vehicle from which it is alleged that the cattle were transported to slaughter house. The applicant is in jail since 11-10-2017. Hence, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that the applicant is resident of Madhya Pradesh, if he is released on bail, he may abscond and the trial against him will be withheld. Hence, he is not entitled for grant of bail.

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

5. In the intervening night of 26 and 27-02-2017 a truck bearing registration No. M.H. 40 A.K./7633 was stopped by police personnel of P.S. Masturi in which 15 to 16 numbers of buffaloes were found to be transported. On enquiry made, it was revealed that the cattle were being transported to slaughter house. Driver of the vehicle was made accused. As the registration papers were found in possession of this applicant, he has been arrayed as accused in this case.

6. Considered on the submissions made and the contents of the case diary.

7. As per the prosecution documents of the vehicle, real owner is Umesh Chandra who has not been examined in the investigation so as to explain in what manner the documents have come into possession of this applicant. Further, the applicant is in jail since 11-10-2017 and detention of the applicant till conclusion of the trial against him would not serve any purpose. Hence, for these reasons, the application deserves to be allowed.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge