

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9271 of 2018**

1. Shivshankar S/o Jagmohan Ghasiya, aged about 35 years, R/o Village Bimada, Police Station & Tahsil Bagicha, District- Jashpur, Chhattisgarh.
2. Rajaram, S/o Bifana, aged about 30 years,
3. Itbal, S/o Doghin, aged about 45 years,
4. Chamru S/o Buchu, aged about 40 years,

All R/o Village Ulkiya, P.S. & Tahsil Sitapur, District- Surguja, (C.G.)

---- Applicants

Versus

- State of Chhattisgarh Through-Station House Officer, P.S. Sitapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicants	: Shri Nishi Kant Sinha, Advocate.
For Respondent/State	: Shri Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**14/12/2018**

1. The Applicants have preferred first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 116/2018, registered at Police Station – Sitapur, District- Surguja, (C.G.) for the offence punishable under Sections 429, 34 of IPC and Sections 4, 6, 10 of C.G. Agriculture Cattle Preservation Act, 2004.
2. As per prosecution story, on 30.08.2018, one Ravishankar Gupta (Complainant) lodged a report wherein it has been stated that due to demise of his grandmother he gifted a cow aged about two years of brown colour to the priest of village Bargidih. Thereafter, priest sold it to one Juvet Ghasi and Juvet Ghasi sold it to Applicant No. 04 namely Chamru. Later on Complainant received information from Virendra

Paikra that the Applicants have cut the cow and have eaten its flesh. On the basis of such information, offence has been registered against the Applicants. Applicant No. 01 and Applicant No. 02 to 04 have been taken into custody on 31.08.2018 and 30.08.2018 respectively.

3. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further states that there is nothing on record on the basis of which any offence can be made out against the Applicants. Offence is triable by the Judicial Magistrate First Class. Charge-sheet has already been filed. Applicant No. 01 and Applicant No. 02 to 04 have been taken into custody on 31.08.2018 and 30.08.2018 respectively and trial will take time. Therefore, they may be enlarged on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant No. 01 and Applicant No. 02 to 04 have been taken into custody on 31.08.2018 and 30.08.2018 respectively and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge