

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 597 of 2019

- Jivan Masih S/o Vilsan Masih, Aged About 38 Years, R/o Village Gadeshpur, Tahsil and P.S. Simga, Distict- Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Simga, District- Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Atanu Ghosh, Advocate.

For Respondent : Mr. Samdarsh Nirankari, Panel Lawyer.

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

06/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.384/2018 registered at Police Station-Simga, District-Baloda Bazar-Bhatapara, (C.G.), for the offence punishable under Sections 429, 34 of the Indian Penal Code & Section 4, 5, 6, 10 & 11 of Chhattisgarh Agriculture Cattle Protection Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The only evidence against this applicant is the memorandum statement given by the co-accused persons which is not a legally admissible evidence. The applicant has not committed any offence as alleged, hence, it is prayed that he may be granted anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. On the date of incident police-personnel of police-station-Simga, District-Baloda Bazar, conducted the raid in the house of one Praveen Masih where they made a seizure of beef of slaughtered cattle. One accused Naresh Kumar Rai was arrested on the spot while two others who were present there fled from the spot.
6. Considering the material present in the case diary and after due consideration, I feel to allow the application to this applicant.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each

and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha