

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3964 of 2019

1. Amit Masih, S/o. Arun Masih, Aged About 29 Years
2. Francis Masih, S/o. Narendra Masih, Aged About 27 Years
3. Timorthy @ Dablang, S/o. Arun Masih, Aged About 30 Years, R/o. Ganeshpur, Police Station Simga, District Balodagazar -Bhatapara Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : District Magistrate, Kabirdham, Police Station Chilfi, District Kabirdham Chhattisgarh.

---- Respondent

For Applicants : Mr. A.S. Rajput, Advocate

For Respondent/State : Mr. Ghanshyam Patel, G.A..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/07/2019

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 applicants, who have been arrested in connection with Crime No.15/2019, registered at Police Station – Chilfi, District – Kabirdham (C.G.) for the offence punishable under Section 4, 6, 10 of Krishak Pashu Parirakshan Adhiniyam and Section 66/192, 130(3)/177, 130(1)/177 of Motor Vehicle Act.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants. The applicants are in jail since 30.05.2019. Case has been registered only on the basis of presumption that the applicants were transporting the cattle to slaughter house, regarding which there is no evidence. Therefore, it is prayed that the applicant be granted regular 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 No.2 and 3 have previous cases against them and also looking to the evidence present, the applicants are not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. On the date of incident, the police stopped the truck bearing No.C.G.-4-JC-8817 and searched it. It is found that 13 numbers of female buffalo and five numbers of male buffalo were being transported in a very cruel manner to Jabalpur. The same were being transported by these applicants. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. After considering on all the facts and circumstances of the case and for the reason that charge-sheet in this case has been filed and the case is now before the trial Court, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram