

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4312 of 2019

- Manish Das Gorkhede S/o Ishwardas Gorkhede Aged About 40 Years
R/o Jaripatka, Near Yadav Tea Stall Nagpur P.S. Jaripatka, Nagpur,
Maharashtra., District : Nagpur, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District- Durg,
Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Vijay Kumar Sahu, Advocate.

For Non-applicant/State – Shri Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2019

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 12-04-2019 in connection with Crime No.338/2018 registered at P.S. - Pulgaon, District Durg, Chhattisgarh for the offence under Section 4, 6, 10 of Chhattisgarh Agriculture Animals Protection Act 2004, Section 66/192, 56/192 of Motor Vehicle Act (as per charge sheet).

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 12-04-2019. No case is made out. The applicant was not present on the spot when the seizure of the cows and calf were made from one truck. Therefore, he has been falsely implicated. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant was present before the time the truck was raided and seizure was made, however, he made his escape before the raid, hence, he is not entitled for grant of bail.

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

5. According to the prosecution case, on the date of incident seizure of 22 number of cows and calf were made from a truck No. MH 32-Q/3284 which were being transported to Nagpur and it is alleged that the cattle was being transported to the slaughter house. The applicant was driver of the said truck who fled from the spot, however, he was arrested later on. Hence, this case.
6. Considering the facts that charge sheet has been filed and the case is now pending for trial, I feel inclined to allow this application.
7. 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge