

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5490 of 2019

1. Jeevan Patel, S/o. Titaram Patel, Aged About 60 Years,
2. Satish Patel, S/o. Ramji Patel, Aged About 45 Years,
3. Manuk Patel, S/o. Sahadev Patel, Aged About 35 Years,

All are R/o. Village - Surda, Police Station - City Kotwali, Mungeli,
District - Mungeli Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station - City
Kotwali, Mungeli, District - Mungeli Chhattisgarh.

---- Respondent

For Applicant : Ms. Sofia Khan, Advocate

For Respondent/State : Mr. Arijit Tiwari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/09/2019

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.423/2019, registered at Police Station – City Kotwali, Mungeli, District – Mungeli (C.G.) for the offence punishable under Section 379, 429, 34 of the Indian Penal Code and Section 11 of Cruelty to Animal Act and Section

4, 6 & 10 of Krishak Pashu Adhiniyam.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 23.07.2019. These applicants have not committed any offence and no case is made out against them according to the material present in the case diary. Therefore, it is prayed that the applicants may be enlarged on 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 there is evidence present against the applicants, therefore, they are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. It is alleged that these applicants committed theft of 15-20 numbers of cows and were transporting the same in a truck in very cruel manner because of which, four cows died during that transportation. Police personnel of Police Station City – Kotwali, Mungeli arrested these applicants and made seizure of cows.
6. Considered on the submissions made and the contents of the case diary. Considering that the investigation is at advance stage and there is no criminal antecedents of these applicants and further the completion of investigation and trial is likely to take some time, hence for this reason, 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 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