

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1648 of 2019

- Suresh Xalxo S/o Nicolas Xalxo Aged About 38 Years R/o Village Sutri Tehsil and Police Station Bagicha, District Jashpur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Bagicha, District Jashpur, Chhattisgarh.

---- Respondent

AND

MCRCA No. 1649 of 2019

- Benjamin Ekka S/o Camil Ekka Aged About 42 Years, Occupation Teaching, R/o Of Village Sutri, Tahsil and Police Station Bagicha, District Jashpur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Bagicha, District Jashpur, Chhattisgarh.

---- Respondent

For Applicants	: Ms. Avit Lakra & I. Lakra, Advocates.
For Respondent/State	: Shri Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

12/12/2019

Heard.

1. Since, both the cases arise out of same crime number, therefore, they are being decided by this common order.

2. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 124/2019 registered at Police Station Bagicha, District – Jashpur, (C.G.). for the offence punishable under Sections 295(a), 429/34 of Indian Penal Code and Section 4, 5, 10 of Krishak Pasu Parirakshan Adhiniyam, C.G.
3. As per the prosecution story, one Aghnu Ram, resident of Village Sutri, lodged a written complaint alleging therein that on 01.09.2019 at night, some accused persons slaughtered one calf near Dokri river and prepared beef thereby intended to outrage the religious feelings. Allegations against present applicants is that, they were also involved in the crime in question. On the basis of the said, offence has been registered.
4. Learned Counsels appearing for the applicants submit that the applicants are innocent and have been falsely implicated in the present case. They further submit that applicant Suresh Xalxo (MCRCA No. 1648/2019) is a football tournament organiser and applicant Benjamin Ekka (MCRCA No. 1649/2019) is a teacher. Like every year, a football tournament was being organised between 21st July, 2019 to 15th September, 2019 by the villagers. During tournament, a conflict took place regarding the food stalls and snacks stalls between the parties and supporters and due to which false allegations were made against the applicants. It is further submitted that during that period, a dead calf belonging to Jagat Kujur was found near Dodki River which was eaten up by dogs and foxes and some

remains were left near the river side. Therefore, to take revenge, a false and fabricated report has been made by the complainant party. It is further stated that names of the present applicants are not mentioned in the F.I.R. and there is no evidence regarding the presence of the applicants in the said crime. *Prima facie*, no case is made out against present applicants. Investigation has been completed and there is no requirement of custodial interrogation. Other co-accused persons have already been granted bail by this Court vide order dated 29.11.2019 passed in MCRC Nos. 6483/2019 & 6608/2019. Looking to the above, applicants may be granted benefit of anticipatory bail.

5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that names of the applicants are not mentioned in the F.I.R. and there is no evidence regarding the presence of the applicants in the said crime, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to applicants.
8. Accordingly, the bail applications are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on

each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They 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 fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge