

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2426 of 2020

- Asha Ram Heeralal Gadare Aged About 36 Years R/o Pardi Bhandewadi, Police Station Kalmana Market, District Nagpur, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	: Shri Anil Singh Rajput, Advocate
For Respondent/State	: Shri Samir Sharma, Dy.GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

22/05/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 34/2020 registered at police station Outpost Jalbandha, PS Khairagarh, district Rajnandgaon (CG) for the offence punishable under Sections 4,6 and 10 of the Chhattisgarh Agricultural Cattle Preservation Act and Section 11 D of the Prevention of Cruelty to Animals Act and Section 11 DEF Section 47,48,49 ABC, 50,54(1,2,3) of the Chhattisgarh Agricultural Cattle Preservation Act and Section 66/192 of the Motor Vehicles Act.

As per prosecution case, on receiving information, the police party apprehended the vehicle which was carrying the cattle by

overloading them in the vehicle and subjecting them to unnecessary pain and suffering. It is stated that the applicant was transporting the cattle to Nagpur slaughter house.

Counsel for the applicant submits that the applicant has been falsely implicated. He submits that the applicant is in jail since 21.01.2020; charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Taking into consideration the submissions of the counsel for the parties and the detention period of the applicant, I am inclined to enlarge him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one local surety for the like sum to the satisfaction of the concerned Court on the condition that he shall appear before the trial court regularly on each and every date of hearing unless and until exempted, he shall be released on bail.

It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnishing in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re: Contagion of COVID 19 Virus in**

Prisons (Suo Moto Writ Petition (C) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks' from today.

Sd/-
(Rajani Dubey)
Judge

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