

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3154 of 2020**

- Ashfaq Mohammad @ Asfaq S/o Rajjak, aged about 23 years, R/o Jadhavpur Ghalhuiya, P.S. Poranpur, Pilibhit (Uttarpradesh)-Present Address : Agricultural Farmhouse, Near Daihiya Farm, Village Khapri, P.S. Nandani Nagar, Bhilai, District Durg(CG)

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station-Nandani Nagar, District Durg (CG)

**---- Respondent**

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 For Applicant : Shri Awadh Tripathi, Advocate  
 For Respondent/State : Shri Sameer Sharma, Dy. G.A.  
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**Hon'ble Smt.Justice Rajani Dubey**  
**Order On Board**

**16.6.2020**

1. The default pointed out by the Registry is overruled.
2. Heard.
3. Admit.
4. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.100/2020, registered at Police Station, Nandani Nagar, District Durg (CG) for the offence punishable under Section 429 of the IPC and Sections 4, 10 of the C.G. Agricultural Cattle Preservation Act.
5. As per the case of prosecution, complainant Narendra Dewangan has lodged a report that some people residing in Agricultural Farm, Girhola have thrown acid on his cattle due to which they burnt and their condition is critical. On the report, investigation was done and the applicant has been arrested.

6. Learned counsel for the applicant submits that the applicant is innocent and he has not committed any offence. He submits that the applicant is not the only resident of village Girhola and on suspicion, he has been falsely implicated in the case. He further submits that yet charge sheet has not been filed; and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has committed a grievous offence against the cattle.
8. Perused the entire material available on record.
9. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; and yet charge sheet has not been filed and trial is likely to take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
10. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
11. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.1,00,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
12. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated

23.3.2020 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.

13. Certified copy as per rules.

Sd/

**(Rajani Dubey)**  
**JUDGE**