

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5337 of 2020**

1. Mukhtar Alam S/o Sahud aged about 34 years.
2. Raju Ghosh S/o Panchu aged about 34 years.
Both are R/o Village-Sirampur.
3. Sheikh Shamiullas S/o Kamlumhudi aged about 30 years.
4. Sheikh Hussain S/o Sheikh Mujibir aged about 25 years.
Both are R/o Village-Pandua, & All from District-Hugli, West Bengal.

---- Applicants**Versus**

- State Of Chhattisgarh, Through - District Magistrate, District-Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Ishwar Jaiswal, Adv.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/09/2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 73/2020 registered at Police Station Chandrapur, Civil and Revenue District-Janjgir-Champa (C.G.) for the offence punishable under Sections 41 (41-1) of Cr.P.C/379 of I.P.C. and Sections 4, 6, 10 C.G. Agriculture Cattle Prevention Act, 2004 and Section 11 of Preservation of Cruelty of Animal Act 1960.
2. The prosecution story, in brief is that, on 10.07.2020 the police got secret information from the informer that the applicants are going to West Bengal having illegal possession of cattle for slaughter at slaughter house, thereafter, the police of Police Station Chandrapur caught the applicants and seized the vehicle (Truck bearing Registration No. 17/4862) and during

investigation police arrested the applicants and offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the applicants are working as labour and they are not the owner of the Vehicle nor the cattle. He also submits that charge-sheet has been filed and the applicants are in jail since 11.07.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicants is of serious in nature; therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering that the offence is triable by Judicial Magistrate First Class. The applicants are in jail since 11.07.2020, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**