

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5401 of 2020**

- Kayam Khan S/o Niwas Khan, aged about 45 years, R/o village Atariya, Police Station Gumla (Jharkhand), presently R/o village Jhariya, Police Station Lailunga, District Raigarh (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Gharghoda, District Raigarh (C.G.)

---- Respondent

For Applicant	:	Shri Ashish Gupta, Adv.
For Respondent	:	Shri Devesh Verma, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****24/09/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.186/2020, registered at Police Station - Gharghoda, District Raigarh (C.G.) for the offence punishable under Sections 6, 10 and 11 of the Chhattisgarh Agriculture Cattle Preservation Act, 2004.
2. The prosecution story, in brief, is that the police of police Station Raigarh received a secret information that the applicant was taking 10 cattle in cruel manner. Acting of the tip-off, the police reached the spot, inquired into the matter but the applicant neither gave plausible explanation nor produced relevant document. Based on this, offence has been registered. The present applicant has been taken into custody on 26.07.2020.
3. Learned counsel for the applicants submits that the applicant is innocent and has been falsely implicated in the case. He also submits that the applicant is ready to furnish adequate security and shall abide by all the directions and conditions which may be imposed by this Hon'ble Court. He also submits that the offence is triable by Magistrate, the applicant is in custody since 26.07.2020 and there is no likelihood of his case being decided in near future.

Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the applicant is in custody since 26.07.2020, the offence is triable by Magistrate and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde