

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5028 of 2020**

- Vishal Tembekar, S/o Late Jeevanlal, Aged About 35 Years, R/o Village- Ashwani Nagar, Ward No. 66, Raipur, Police Station - Purani Basti, Raipur, District - Raipur Chhattisgarh.

---- Applicant**Versus**

- The State of Chhattisgarh, Through: Police Station - Dadhi, District - Bemetara Chhattisgarh.

---- Respondent**with****MCRC No. 5461 of 2020**

1. Chandkumar, S/o Atmaram Sonwani, Aged About 24 Years, R/o Village Bhursuda, Police Station- Tilda-Nevra, District- Raipur (C.G.).
2. Narendra Masih, S/o Binod Masih, Aged About 42 Years, R/o Vishrampur, Police Station- Simga, District- Balodabazar (C.G.).
3. Sanjay Masih, S/o Habil Masih, Aged About 40 Years, R/o Vishrampur, Police Station- Simga, District- Balodabazar (C.G.).
4. Santosh Netam, S/o Mannulal Netam, Aged About 29 Years, R/o Shankar Nagar Ward No. 2, Tilda-Nevra, Police Station- Tilda-Nevra, District- Raipur (C.G.).

---- Applicants**Versus**

- The State of Chhattisgarh, Through: Police Station - Dadhi, District - Bemetara Chhattisgarh.

---- Respondent**with****MCRC No. 6217 of 2020**

- Hemchand @ Hemu, S/o Matva Satnami, Aged About 46 Years, R/o Village Jhajhadih, P.S.- Dadhi, Tahsil & District- Bemetara Chhattisgarh.

---- Applicant**Versus**

- The State of Chhattisgarh, Through: Police Station - Dadhi, District - Bemetara Chhattisgarh.

---- Respondent

For Applicants	: Mr. Amit Kumar Sahu, Adv.
For Respondent/State	: Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

15.09.2020

1. As all three MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. 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. 82/2020 registered at Police Station- Dadhi, District - Bemetara (C.G.) for the offence punishable under Sections 4, 6, 10, 11 of The Prevention of Cruelty to Animals Act, 1960 & Sections 66, 192 of Motor Vehicle Act.
3. The prosecution story, in brief is that, on 11.07.2020 at about 8.00 P.M., on the basis of secret information, police personnel recovered 22 cows and 9 ox from the offending vehicle. Based on this, offence has been registered against the present applicants and thereafter they have been taken into custody.
4. 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 offence is triable by the Judicial Magistrate First Class. The applicants named Vishal Tembekar, Chandkumar, Narendra Masih, Sanjay Masih & Santosh Netam are in jail since 12.07.2020 and the applicant named Hemchand @ Hemu is in jail since 30.07.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that offence committed by the present applicants is of serious in nature, therefore, no case is made out for grant of bail.

6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the facts that offence is triable by the Judicial Magistrate First Class and the detention period of the present applicants, 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.
8. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- 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**

Ruchi