

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7280 of 2020**

- Rohit Banjare S/o shri Janak Banjare, aged about 39 years by Caste-Satnami, Occup- Agriculturist R/o village Heerapur, chowki-Dhashranpur, Thana Tahsil and District Kawardha (Kabirdham) C.G.

-----Applicant**Versus**

- State of Chhattisgarh through- the Officer in charge of Police Station Nawagarh, District Bemetara, Chhattisgarh

---- Non-applicant**WITH****MCRC No. 7602 of 2020**

- Ganesh Dubey S/o Suklal Dubey, Aged About 33 Years R/o Tekanala Peeli Nadi, Police Station Jaripatika and District Nagpur (Maharashtra).
- Tarsen S/o Janakraj Kore, Aged About 35 Years R/o Near Punnu Government School, Police Station Rajbag, District Kathua, Jammu & Kashmir

---- Applicants**Versus**

- The State of Chhattisgarh Through Police Station Navagarh, District Bemetara Chhattisgarh

---- Non-applicant**MCRC No. 7280/2020**

For Applicant : Mr. R.S. Patel, Advocate
 For Non-applicant : Mr. Ashish Tiwari, Govt. Advocate.

MCRC No. 7602/2020

For Applicant : Mr. Rajkumar Pali, Advocate
 For Non-applicant : Mr. Ashish Tiwari, Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**ORDER****17/12/2020**

1. Since both the above Bail applications arise out of the same crime

number, they are being disposed of by this common order.

2. MCRC No. 7280 of 2020 has been preferred by applicant Rohit Banjare for grant of regular bail as he has been arrested in connection with Crime No.229/2020 registered at Police Station Nawagarh, District Bemetara (C.G.) for the offence punishable under Section 11 of the Prevention of Cruelty to Animals Act, 1960 r/w Rules 46, 47(a), 47(c), 49(a), 50, 54 (1), 54(2), 54(3) and 55(a) of the Transport of Animals Rule, 1978 and Section 10 r/w Sections 4 & 6 of the Chhattisgarh Agriculture Cattle Preservation Act, 2004.
3. MCRC No. 7602 of 2020 has been preferred by applicants Ganesh Dubey and Tarsen for grant of regular bail as they have been arrested in connection with Crime No.229/2020 registered at Police Station Navagarh, District Bemetara (C.G.) for the offence punishable under Sections 4, 6, 11, 46, 47-A, 47-C, 49-A, 50, 54/1/2/3 and 55-A of the Prevention of Cruelty to Animals Act, 1960.
4. Case of the prosecution is that on 23.08.2020, police officials of Police Station Nawagarh, Bemetara received an information with regard to cattle are being illegally transported. Upon getting the said information, police authority went to village Salheghori, stopped the vehicle, searched it and found that the cattles were being transported to slaughterhouse at Nagpur. Police recovered 20 number of cattle transporting on a truck bearing registration no. JK 08 F 0549. Upon interrogation made by the police with the driver and cleaner of the truck who are applicants in MCRC No. 7602/2020, they have admitted their guilt that the cattle are being transported to slaughterhouse at Nagpur. On the basis of the said proceedings,

instant crime was registered against present applicants and three other persons.

5. Mr. R.S. Patel, learned counsel for the applicant in MCRC No. 7280/2020 submits that the applicant was not named in the F.I.R., no incriminating articles were recovered from his possession. He has been falsely implicated in the crime. He further submits that three other co-accused by name Lukdas, Rajkumar Ghritlahare and Suraj Jangde have already been enlarged on Bail by co-ordinate Bench of this Court.
6. Mr. Rajkumar Pali, learned counsel for the applicants in MCRC No. 7602/2020 submits that the applicants are poor persons, driver and cleaner of the truck on which the cattles were being found to be transported. He submits that they have only acted upon the instructions/ directions of the owner of the vehicle and they were not aware about for what purpose the cattles were being transported. He submits that the applicants are innocent persons and they are not having any criminal antecedents.
7. Opposing the submission made by learned counsel for the applicants, Mr. Ashish Tiwari, learned Government Advocate submits that cattles have been recovered from the truck and they were being transported in contravention of Chhattisgarh Agricultural Cattle Preservation Act, 2004 and *Chhattisgarh Pashu Parivahan Niyam*, 1978 as also Section 11 of Prevention of Cruelty to Animals Act, 1960, hence, they are not entitled for relief under Section 439 of CrPC.
8. I have heard learned counsel for the respective parties.

9. The grant of bail to three other co-accused persons by co-ordinate Bench of this Court is not in dispute. Taking into consideration, nature of allegations, Ganesh Dubey and Tarsen are driver and cleaner of the Truck, having no criminal past, they are in jail since 14.09.2020, without commenting on merits of the case, I am inclined to enlarge the applicants on Bail.

10. Accordingly, the bail applications are allowed. It is directed that the applicants shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.10,000/- each one with one surety in the like sum to the satisfaction of the Court on the conditions that-

- a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicants are found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge