

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7187 of 2019**

- Rajesh Dahariya S/o Banshiram Dahariya, aged about 40 years, R/o Bhakhara, Police Station Bhakhara, District Dhamtari (C.G.)

---- Applicant**Versus**

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

---- Respondent**And****MCRC No. 7560 of 2019**

- Abdul Naeem S/o Late Abdul Nazeer, aged about 35 years, R/o Pathanpura, Purani Basti Murtijapur, District Akola (Maharashtra)

---- Applicant**Versus**

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

---- Respondent

For Applicants	:	Shri Anil Gulati, Adv.
For Respondent	:	Shri V.K. Agrawal, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****06/01/2020**

1. Since in the aforesaid bail applications arise out the same incident and same crime number, they are being disposed of together by this common order.
2. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.377/2019, registered at Police Station – Balod, District

Balod (C.G.) for the offence punishable under Sections 4, 6, 10 of C.G. Krishak Pashu Parirakshan Adhiniyam, Section 11 of Prevention of Cruelty to Animal Act and Section 66/192 & 3/181 of the Motor Vehicles Act.

3. The prosecution story, in brief, is that a report was lodged by Kaushal Ram Dewangan alleging therein that when he was discharging his duties near Forest Barrier, Balod, at the relevant time, Truck bearing registration number MH-40-BL-9355, which was going from Balod to Rajhara, broke the barrier and the driver flee from the spot leaving his truck there. Further case is that on being searched, it was noticed that the driver was driving the truck pasting another registration number CG-04-JA-4066 in which total 18 buffalo were recovered. Based on this, offence has been registered. The present applicant has been taken into custody on 20.09.2019.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the false seizure memo has been prepared by the police in order to rope the applicant in the criminal case. He also submits that minimum punishment under the offence is of three years, the offence is triable by Magistrate, the applicants are in custody since 20.09.2019 and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the applicants are in custody since 20.09.2019, 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 applicants on bail.

8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- - Rs.25,000 each with one solvent surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde