

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7794 of 2019**

1. Ashif Shekh S/o Babbu Shekh Aged About 27 Years, R/o Shivaji Chowk, Shambhaji Nagar, Infront Of Roshan Urdu School, Police Station Yashodhara Nagar, District - Nagpur, Maharashtra.
2. Gulam Malithya S/o Khudush Malithya Aged About 35 Years, R/o Nearby Kali Mandir, Domkal, District - Murshidabad, Presently R/o New Korba Transport Nagar, Rawabhata, Khamtarai, Raipur, District - Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station - Simga, District - Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Anil Gulati, Adv.
For Respondent/State	:	Mr. Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21/01/2020**

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. 374/2019 registered at Police Station-Simga, District - Balodabajar-Bhatapara (C.G.) for the offence punishable under Sections 48, 52 of C.G. Pashu Parivahan Adhiniyam, 49, 49-A, 50 of Prevention of Cruelty to Animal Act and 4, 6, 7, 9, 10, 11 of C.G. Krishak Pashu Parirakshan Adhiniyam.
2. The prosecution story, is that on 15.09.2019 police received a secret information by the informant that in a truck bearing registration no. CG-04-MM-5998, buffaloes were transported for the purposes of slaughtering and on the basis of such information the

police stopped the truck and recovered buffaloes. Based on this, 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 in jail since 16.09.2019, 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.
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 the facts that the offence is triable by Judicial Magistrate First Class. The present applicants are in jail since 16.09.2019 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. 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**