

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 346 of 2021

- Deepak Tiwari son of Prahlad Tiwari, aged about 32 years, R/o behind Bharat Mata School, Janta Colony, Tatibandh, Raipur, District Raipur (C.G.)

---- Applicant

Versus

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

---- State/Non-applicant

For Applicant : Shri Santosh Bharat, Advocate

For Non-Applicant/State : Shri Ajay Kumrani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

22.02.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 28.10.2020 in connection with Crime No. 464/2020 registered in Police Station- Masturi, District Bilaspur (CG) for the offence punishable under Sections 4, 6 & 10 of Chhattisgarh Pashu Parirakshan Adhiniyam.
2. Allegation against the present applicant is that he alongwith co-accused namely Aslam Rehman was carrying cattle to slaughter house by truck bearing registration No. CG-04-JB-0974.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He further submits that co-accused has been granted regular bail by this Court vide order dated 07.01.2021 passed in M.Cr.C. No. 8868 of 2020. He also submits that the applicant is in jail since 28.10.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time, therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, considering the

detention period of the applicant, charge-sheet has already been filed, conclusion of the trial is likely to take some time, he has no criminal antecedent as admitted by both the counsel and there is no apprehension of the applicant tampering with the evidence or absconding and that the co-accused in this case has already been granted regular bail by this Court, without expressing any opinion on merits of the case, the bail application is allowed.

6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
(Gautam Chourdiya)
Judge