

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 719 of 2021**

- Mohammad Shahrukh S/o Shri Sattar, aged about 24 years, R/o Village-Budda-Khera, Police Station- Chilkana, Civil & Revenue District – Sharanpur (U.P.) **At Present** R/o Near Magarpara Masjid, Bilaspur, Police Station – Civil Line, Civil & Revenue District – Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : The Station House Officer, Police Station – Takhatpur, Civil & Revenue District - Bilaspur (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Paras Mani Shrivastava, Advocate
For Non-Applicant/State	:	Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****09.03.2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 27.12.2020 in connection with Crime No. 401/2020 registered in Police Station- Takhatpur, District Bilaspur (CG) for the offence punishable under Sections 4, 6 & 10 of C.G. Agricultural Cattle Preservation Act 2004 and Section 11 (D) of Cruelty of Animals Act.
2. Allegation against the present applicant is that he was carrying 26 cattle to slaughter house by Truck bearing registration No. CG-10-R-0429.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 27.12.2020, 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. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the nature of offence which is triable by Magistrate, the age of the applicant i.e. 24 years, his detention period,

charge-sheet has already been filed and conclusion of the trial is likely to take some time, and that there is no apprehension of the applicant tampering with the evidence or absconding and also he has no criminal antecedent as admitted by both the counsel, without expressing any opinion on merits of the case, the 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