

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 952 of 2021

- Sanjay @ Golu Masih, S/o Ashok Masih, aged about 35 Years, R/o Village Vishrampur, Police Station and Tahsil Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

----Applicant

Versus

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

---- Non-applicant

MCRC No. 1912 of 2021

- Nailesh @ Jimi, S/o Shail Masih, aged about 22 Years, R/o Ganeshpur, P.S. Simga, Distt.- Baloda Bazar-Bhatapara (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh, Through - P.S. Simga, Distt.- Baloda Bazar Bhatapara, (Chhattisgarh).

----Non-applicant

For Applicants	Shri Anand Prakash Sharma & Shri Ravindra Sharma, Advocates.
For State	Shri Vaibhav Singh, P.L.



Respectable Shri Justice Gautam Chourdiya
Order on Board

25/03/2021

1. As both these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.222/2020 registered at Police Station Simga, District Balodabazar-Bhathapara, C.G. for the offence punishable under Section 429 of Indian Penal Code and Sections 4, 5 & 10 of the Chhattisgarh Prevention of Agricultural

Animal Act, 2004, they are being disposed of by this common order.

2. Allegation against the present applicants by the complainant Sajal Wani is that on 18.07.2020 at about 10:30 pm after having dinner he along with his friend Habin Malik went for walk and when they reached near the house of Shan Seth at village Vishrampur, they saw that the present applicants were slaughtering the animal (cow) and kept beef for sale. Thereafter, they raised an alarm and with the help of other villagers caught the applicant-Sanjay @ Golu Masih. On report being lodged to the above effect, offence under the aforesaid sections have been registered against the applicants.
3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that there is no direct proof of applicants involvement in the alleged crime. The applicants are in jail since 19.07.2020 & 08.02.2021, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations against the present applicants, further considering detention period of the applicants, who are 35 & 22 years of age,

charge sheet has already been filed, the fact that the applicant- Sanjay @ Golu Masih has one criminal antecedent of the year 2019 under Sections 323, 506B, 294, 427, 34 of Indian Penal Code bearing Crime No.125 of 2019 whereas applicant- Nailesh @ Jimi has no criminal antecedent and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the applications are allowed. It is directed that in the event of each of the applicants 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, they shall be released on bail on the following conditions:-

- (i) they 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) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to this Court.

Sd/-
Gautam Chourdiya
Judge