

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****M.Cr.C. No. 1570 of 2021**

1. Hirendra Kumar Patel, S/o Sewkram Patel, aged about 42 years, R/o Panchshil Nagar, Durg, Police Station City Kotwali, District Durg (CG).

2. Abdul Samad, S/o Abdul Hamid, aged about 24 years, R/o Sangram Chowk Ward No.19, Near Munmun Kirana Stor Camp 1 Bhilai, Police Station Chhawani, District Durg (CG).

---Applicants**Versus**

State of Chhattisgarh, through District Magistrate, Bemetara (CG).

---Non-applicant

For Applicants	: Mr. Arvind Kumar Dubey, Advocate
For Non-applicant/State	: Mr. B.P. Banjare, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****31.05.2021**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested on 05.12.2020 and 07.01.2021 respectively in connection with Crime No.163/2020 registered at Police Station Saja District Bemetara (C.G.), for the offence punishable under Sections 307, 120B, 34 of IPC, Section 3 of Prevention of Damage to Public Property Act, Sections 4,6,9,10 and 11 of C.G. Agriculture Cattle Preservation Act, 2004 and Sections 48,49(A), 50 of Animal Transportation Act.

2. Case of the prosecution, in brief, is that on 11.07.2020 the police received an information from the secret informant that a truck

bearing registration No.C.G.12/C-2213 is carrying cattle and taking to slaughter house Nagpur by illegal manner. After receiving the information, the police reached near Nawkaera Tiraha and they put barricades on the road to stop the truck, but the driver of the truck had not stopped the truck and dashed the barricades and thereafter the police caught the said truck. The police found 06 black calf, 20 red calf, 10 white calf, 2 white cow from the said truck. The applicant No.1/Hirendra Kumar Patel was arrested on 05.12.2020 and applicant No.2/Abdul Samad was arrested on 07.01.2021.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He further submits that the applicants are in jail since 05.12.2020 and 07.01.2021 respectively, charge sheet has already been filed, therefore, the present applicants may be enlarged on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.

5. Looking to the facts and circumstances of the case, nature and gravity of offence, period of detention and also considering the fact that the trial will take some more time for its conclusion and as per submission of counsel for the applicants charge sheet has been filed, without further commenting on merits of the case, I am inclined to release the applicants on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in sum of Rs. 25,000/- each with one surety in the like amount to the satisfaction

of the concerned trial Court. They shall appear before the trial court regularly on each and every date as per direction of the court, unless exempted from appearance.

7. In view of the above, I.A. No.01/2021 for hearing the case during summer vacation and I.A. No.02/2021 for urgent hearing stand disposed of.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
VACATION JUDGE

L/-