

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1455 of 2021

- Ramesh Thakur, son of Shri Bharat Thakur, aged about 21 years, R/o village Khamharipara, Police Station Mainpur, District Gariyaband (CG)

---- Applicant (In jail)

Versus

- State of Chhattisgarh, through Police Station Fingeshwar, District Gariyaband (CG).

....Non-applicant

For Applicant	:	Mr. P.K. Patel, Advocate
For Non-applicant	:	Ms. Anjali S Chouhan, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

6.7.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who is in custody since 20.1.2021 in connection with Crime No.14/2021 registered at Police Station Fingeshwar, District Gariyaband (CG) for commission of offence punishable under Sections 4, 6, 10 of the Chhattisgarh Pasu Parirakkshan Adhiniyam, 2004 and Section 11 of the Pashu Krurta Adhiniyam, 1960.
2. Case of the prosecution, in brief, is that on 20.1.2021 at about 9.40 p.m. when complainant Rekham Dhidi along with Manbodh Baghel was returning to his village from village Chhuiya, he saw that some persons are taking the cattle towards village Chhura. The complainant stopped present

applicant and asked his name, whereupon he told that he is Ramesh Thakur, resident of Khamaripara. In the meanwhile, associates of present applicant ran away from the spot. On this, the complainant suspected some foul play on the part of accused persons and accordingly, made a complaint to the concerned police station. The police seized total 60 numbers of cattle worth Rs.73,000/- from the possession of applicant, who has disclosed that they were taking the cattle to a slaughter house situated in Odhisha. Based on this information and seizure, present crime has been registered against the applicant and other accused persons.

3. Mr. P.K. Patel, learned counsel for applicant submits that applicant is engaged in the business of sale of cattle in village market, he was not taking the cattle to the slaughter house and he has been falsely implicated in the crime in question. He further submits that the applicant is in jail since 20.1.2021 and the case is triable by the Magistrate.
4. Ms. Anjali Singh Chouhan, learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that 60 numbers of cattle were seized from the possession of the applicant, which were being taken to the slaughter house, hence the applicant is not entitled for grant of regular bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled against present applicant, the fact that he is in custody since 20.1.2021 and the offence is triable by the Magistrate, without

commenting anything on merits of case, I am inclined to release applicant on regular bail.

7. Accordingly, the application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) he shall not, in any manner, tamper with the prosecution witnesses.
 - c) If applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.
8. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-