

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1608 of 2021**

- Salim Khan, S/o Halim Khan, aged about 34 Years, R/o Village Jhagarpur, Police Station Lailunga, District Raigarh, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through the Station House Officer, Police Station Lailunga, District Raigarh, Chhattisgarh

----Non-applicant

For Applicant	Shri Manoj Kumar Jaiswal, Advocate.
For State	Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

12/07/2021

1. The matter is heard through Video Conferencing.
2. First bail application preferred by the applicant was dismissed as withdrawn vide order dated 27.11.2020 passed in MCRC No. 8050 of 2020 and the Second bail application preferred by the applicant was dismissed for want of prosecution vide order dated 12.02.2021 in MCRC No.1088 of 2021.
3. The applicant has preferred this third bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.223/2020 registered at Police Station Lailunga, District Raigarh, C.G. for the offence punishable under Sections 4, 6 & 10 of the Chhattisgarh Prevention of Agriculture Animal Act, 2004.

4. Case of the prosecution, in brief, is that on 04.10.2020 complainant- Suresh Yadav informed the police of police station Lailunga that some unknown persons are going from village Turtura to Orissa State for slaughtering the animals. On the basis of said information, police went to the spot, seized 170 animals & the offending vehicle from the possession of the present applicant and arrested him.
5. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that there is no direct proof of applicant's involvement in the alleged crime. The applicant is in jail since 17.10.2020, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application. He submits that there are as many as five criminal antecedents of the present applicant.
7. Heard learned counsel for the parties.
8. Considering the facts and circumstances of the case, the nature of allegation against the applicant, charge sheet has already been filed, the detention period of the applicant, who is 34 years old and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed.

It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- 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.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh