

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1673 of 2021**

Dinesh Soni S/o Shri Matadeen Soni, Aged About 23 Years
R/o Ward No. 29, Pandri Distt. Raipur (Chhattisgarh).

---- Applicant**Versus**

State of Chhattisgarh Through District Magistrate, Raipur,
District Raipur (Chhattisgarh).

---- Non-applicant

For Applicant : Mr. Pragalbha Sharma, Advocate

For Non-applicant/State : Mr. Roshan Dubey, P.L.

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

19.07.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant in connection with Crime No.129 of 2020 registered at Police Station Kabir Nagar, Raipur (C.G.) for commission of offence punishable under Sections 4, 6, 10 of C.G. Agricultural Cattle Preservation Act, 2004 and 11 of the Prevention of Cruelty to Animals Act, 1960.
2. Case of the prosecution, in brief, is that on 02.07.2020 based on the secret information, one Ankit Dwivedi along with his campaigns, who are members of Bajrang Dal, intercepted one Truck bearing No.CG/04/E/3588. Upon stopping the Truck, driver of Truck i.e. present applicant fled away from the spot. During search of the truck, it revealed that there were 17 numbers of animals (14 female buffalo and 3 male buffalo). From the

aforesaid numbers of animals, two of buffalo has been found dead in the Truck. The matter was reported to concerned police station on 02.07.2020, based upon which, First Information Report was registered. Applicant surrendered himself on 09.02.2021 in the instant crime.

3. Mr. Pragalbha Sharma, learned counsel for the applicant would submit that applicant was only transporting animals. He submits that offences alleged against the present applicant would not be made out. Maximum punishment under Section 10 of C.G. Agricultural Cattle Preservation Act, 2004 is 3 years for the first offence. Applicant is not involved in any other offence of similar nature. He submits that applicant surrendered himself on 09.02.2021, hence, he may be enlarged on bail.
4. On the other hand, Mr. Roshan Dubey learned P.L. for the State opposes the prayer for grant of bail and submits that when the Truck was intercepted, applicant after stopping the Truck fled away. He further submits that Truck driven by applicant was carrying animals and two of the animals have been found dead, hence, applicant is not entitled for bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, material collected by the police and further that as per statement made by learned counsel for the State that there is no any criminal antecedent of similar nature against the applicant in the case diary, without commenting anything on the

merits of the case, I am inclined to enlarge the applicant on regular bail.

7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local 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 the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge