

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2170 of 2021

Dildar Khan, S/o Badruddin Khan, Aged About 21 Years, R/o Village Murka, Police Station- Rajpur, District- Balrampur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station- Lundra, District- Surguja (C.G.)

--- Respondent

For Applicant : Mr. Nishikant Sinha, Advocate.

For State/ Respondent : Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

24/05/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 06.01.2021 in connection with Crime No. 93/2020, registered at Police Station- Lundra, District- Surguja (C.G.) for the offence punishable under Section 4, 6, 10 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004.
2. Case of the prosecution in brief is that on 31.08.2020 at about 10:15 a.m., a vehicle loaded with five buffalo was found in abandoned condition, which was driven by the applicant, therefore, he was arrested on 06.01.2021 for committing offence punishable under Section 4, 6, 10 of the Chhattisgarh

Agricultural Cattle Preservation Act, 2004.

3. Learned counsel for the applicant submits that the applicant is in jail since 06.01.2021 and has been falsely implicated in this case. The charge-sheet has already been filed and the offence is triable by Judicial Magistrate First Class, which will take some time to conclude, he is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court. Hence, it is prayed that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application submitting that there is clear allegation against the applicant regarding commission of offence. Hence, the application for grant of bail may be rejected.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considered the facts and circumstances of the case, nature of allegation, the fact that the offence is triable by Judicial Magistrate First Class and that conclusion of the trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that in the event of applicant executing personal bond for a sum of Rs. 50,000/- with two sureties of Rs. 25,000/- to 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 of 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.
- (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.

Certified copy, as per rules.

Sd/-
(Narendra Kumar Vyas)
Vacation Judge