

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3391 of 2021**

- Mo. Khan, S/o Ramjan Khan, aged about 62 Years, Resident of - Village Mujgahan, Tehsil Balod, P.S. Balod, District Balod (Chhattisgarh).

--- Applicant

Versus

- State of Chhattisgarh, Through the District Magistrate, District-Rajnandgaon, (Chhattisgarh).

----Non-applicant

For Applicant	Shri Avinash Chand Sahu, Advocate.
For State	Shri K.K. Singh, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

09/06/2021

1. The matter is heard through Video Conferencing.
2. Learned counsel for the applicant submits that the default as pointed out by the Office has already been removed.
3. Heard on admission.
4. The application is admitted for hearing.
5. With the consent of the parties, the matter is heard finally.
6. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.124/2021 registered at Police Station Dallirajhara, District Balod, C.G. for the offence punishable under Sections 4,

6, 10 of Krishi Pashu Parirakshan Adhiniyam and Section 11 of the Pashu Krurta Adhiniyam and Section 66/192 of the Motor Vehicles Act.

7. Case of the prosecution, in brief, is that in the night of 07.04.2021, on the basis of information of the informant, near Mahmala Petrol Pump, village Kusumkasa, from Truck bearing registration No.MH40-Y 9355 - 36 calves, from Truck bearing regd. No. MH19 Z 1085 - 42 calves and from truck container No. MH 40 BL 7153 - 47 oxen were seized, all three vehicles were seized. Applicant was arrested on the spot on 07.04.2021. Thereafter, the offence was registered against the applicant and other co-accused persons.
8. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that nothing has been seized from the applicant and only on the basis of suspicion, he has been arrested. The applicant is in jail since 07.04.2021, due to COVID 19-pandemic, conclusion of trial is likely to take some time and that co-accused persons namely- Raju Yadav, Rajesh Kumar Dahariya and Md. Sakib in this case have already been granted regular bail by the co-ordinate Bench of this Court vide order dated 02.06.2021 in MCRC No.3038 of 2021 and, therefore, the applicant be released on bail on the ground of parity.
9. On the other hand, learned counsel for the State opposes the bail application.

10. Heard learned counsel for the parties.

11. Considering the facts and circumstances of the case, the detention period of the applicant, who is 62 years old, the fact that the co-accused persons in this case have already been granted regular bail by the co-ordinate Bench of this Court, the applicant has no criminal antecedent 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, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the sum of Rs.25,000/- with two local sureties in the like amount 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) 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