

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 3355 of 2021

1. Dipak Rajput S/o Baldev Rajput, aged about 33 years, R/o Motijhil, Ward No. 5, Near Fruit Market (Falmandi ke pas), Police Station – Purani Chhawani, District – Gwalior Madhya Pradesh
2. Nawab Quraishi S/o Kabir Quraishi, aged about 21 years, R/o Davdagadhi, Police Station – Chosana, District – Samli (U.P.), Present Address – In House of Salam Khan, In front of Petrol Pump, Bichhiya, Police Station – Bichhiya, District – Mandla, Madhya Pradesh
3. Ejaz Quraishi S/o Ahsan Quraishi, aged about 20 years, R/o Padli, Police Station – Sahpur, District – Muzaffarnagar (U.P.), Present Address – In House of Salam Khan, In front of Petrol Pump, Bichhiya, Police Station – Bichhiya, District – Mandla, Madhya Pradesh

---- Applicants

Versus

- State of Chhattisgarh, Through – District Magistrate, District - Kabirdham(C.G.)

---- State/Non-Applicant

For Applicants : Shri Dharmesh Shrivastava, Advocate

For Non-Applicant/State : Shri Shrestha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

16.07.2021

1. The applicant have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 06.04.2021 in connection with Crime No. 12/2021 registered in Police Station- Chilfi, District Kabirdham (CG) for the offence punishable under Sections 4, 6 & 10 of C.G. Agriculture Cattle Preservation Act, 2004.
2. Allegation against the present applicants is that they were carrying 21 cattle (buffaloes) to slaughter house by Truck of Tata Company bearing registration No. CG-04-J.B.-7649.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they have no criminal antecedents, they are in languishing in jail since 06.04.2021 and due to Covid-19 pandemic,

conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that case diary is not available with him.
5. I have heard learned counsel for the parties.
6. Having regard to the facts and circumstances of the case, considering the detention period of the applicants who are 20, 21 & 33, years old, the fact that there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
7. It is directed that in the event of each of the applicants 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, they shall be released on bail, on following conditions :-
 - i. they 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/her from disclosing such fact to the Court.
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - iv. they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - v. they shall not involve themselves in any offence of similar nature in future.
8. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge