

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5471 of 2021

- Sarwar Hussain, S/o Late Sahmat Ali, Aged About 45 Years, R/o Kargipalma, Police Station Itaki, District- Ranchi, Jharkhand.

---- Applicant

Versus

- State of Chhattisgarh, Through- Police Station City Kotwali, Raigarh, District- Raigarh, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Sanjay Agrawal, Advocate

For Non-Applicant/State : Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

17.08.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 26.06.2021 in connection with Crime No. 805/2021, registered at Police Station- City Kotwali, District- Raigarh (C.G.) for the offence punishable under Sections 6 & 10 of Chhattisgarh Agricultural Cattle Preservation Act.
- 2) Case of the prosecution, in brief, is that on 26.06.2021 at about 7 am ASI B.S. Dahariya received information from the informant that one unknown truck carrying cattle was found fallen below the pool in which some cattle were found dead and injured condition. It is alleged that the applicant who was driver of the said vehicle, fled away after the incident. During the course of the investigation the applicant was arrested.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question, he further submits that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, charge-sheet has already been filed, the applicant has been arrested on 26.06.2021 and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature allegation made against the applicant, charge-sheet has already been filed, the detention period of the applicant, who is 45 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the 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 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

Nadim