

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5329 of 2021

- Asif Qureshi S/o. Mosin Qureshi, aged about 30 years, R/o. Pili Nadi, Enta Bhattha Chauk, Vandevi Nagar, Thana – Yashodhara, District Nagpur (M.H.)

---- Applicant

Versus

- The State of Chhattisgarh, Through Police Station- Chhuriya, District - Rajnandgaon (C.G.)

---- State/Non-Applicant

For Applicant	:	Shri Samir Singh, Advocate
For Non-Applicant/State	:	Shri Priyanshu Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J
Order on Board

11.08.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 30.06.2021 in connection with Crime No. 151/2021 registered in Police Station- Chhuriya, District Rajnandgaon (CG) for the offence punishable under Sections 4, 6 & 10 of C.G. Agricultural Cattle Preservation Act 2004 and Sections 47-A, 47-C, 48, 49 & 52 of Prevention of Cruelty of Animals Act (Section and Act wrongly mentioned in order sheet).
2. As per prosecution case, on 30.06.2021 on information received that the applicant is trying to transport the cattle in the truck, on raid being conducted, from the truck bearing registration No. MH 40 N 5209, 34 cattle were found loaded in truck in a cruel manner which were meant for taking them to the slaughter house.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, the applicant is driver the said truck. He further submits that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 30.06.2021 and due to Covid-19 pandemic,

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, considering the detention period of the applicant who is 30 years old, 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 pandemic, 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 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/her 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.
7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge