

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5649 of 2021

1. Rupesh, S/o Shivprasad, Caste- Satnami, Aged About 19 Years,
2. Vinod Markande, S/o Sunderlal, Caste- Satnami, Aged About 28 Years,

Both are R/o Village Chandgadi, Police Station & Tahsil Khairagarh, District- Rajnandgaon, Chhattisgarh. ---- **Applicants**

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station - Khairagarh, District – Rajnandgaon, Chhattisgarh.

---- **Non-Applicant**

MCRC No. 6165 of 2021

1. Neelkanth Lehre, S/o Inderman Lehre, Aged About 21 Years,
2. Inderman Lehre, S/o Sumran Lehre, Aged About 40 Years,

Both are R/o Village Tekadih, Post Dokrabhata, Chuikhadan, District- Rajnandgaon (C.G.). ---- **Applicants**

Versus

- State of Chhattisgarh, Through- Station House Officer, P. S. Khairagarh, District- Rajnandgaon (C.G.). ---- **Non-Applicant**

For Applicants : Shri Abhishek Sharma
and Shri Aman Pandey, Advocates

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

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

25.08.2021

- 1) Since both these cases arise out of same crime number, they are being disposed of by this common order.

- 2) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are arrested in connection with Crime No. 233/2021 registered at Police Station- Khairagarh, District- Rajnandgaon (C.G.) for the offence punishable under Section 279 of IPC, Section 11 of Prevention of Cruelty to Animals Act and Section 10 of Chhattisgarh Agricultural Cattle Preservation Act.
- 3) Case of the prosecution, in brief, is that the applicants were transporting 10 numbers of agricultural cattle worth Rs. 35,000/- to the slaughterhouse at Nagpur in their own vehicle which met with an accident near Badhaitola Tiraha at about 4.30 am, thereafter the complainant alongwith other witnesses reached on the spot and informed the Police.
- 4) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that the applicants have no criminal antecedents, there is no likelihood of their tampering with the prosecution evidence or absconding. The applicants are in jail since 05.07.2021 & 14-15.07.2021 and due to Covid-19 pandemic, trial is likely to take some time for disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-applicant/State vehemently opposes the bail applications, however, he submits that applicants have no criminal antecedents.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicants, the detention period of the applicants, who are 19, 21, 28 & 40 years old and the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsel and due to Covid-19 pandemic conclusion of trial may take some

time, without commenting anything on merits of the case, the applications are allowed.

7) It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs. 1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (a) 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 from disclosing such fact to the Court,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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 offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim