

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 6938 of 2021**

1. Mehfooj Aalam S/o Shri Maksood Aalam, Aged About 32 Years, By Caste Musalman, R/o Village Saitangertoli, Thana Jashpur, District Jashpur (C.G.).

**---- Applicant**

**Versus**

1. The State Of Chhattisgarh, Through The Station House Officer, Police Outpost Kotba, Thana Bagbahar, District Jashpur (C.G.).

**---- Non-Applicant**

---

For Applicant : Mr. Sunil Sahu, Advocate.  
For Non-Applicant/State : Ms. Deepti Shukla, Panel Lawyer.

---

**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**27/10/2021**

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 12/08/2021 in connection with Crime No. 39/2021 registered at Outpost Kotba, Thana Bagbahar, District Jashpur (C.G.) for the offence punishable under Section 429 of Indian Penal Code and Sections 4, 6 & 10 of C.G. Krishak Pashu Parirakshan Adhiniyam, 2004.
- 2) As per the prosecution case, on 11/03/2021 the present applicant was found illegally carrying total 22 castles, 19 of alive and 3 were dead, for the slaughtering in Truck bearing No. CG10 C 5105.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the applicant 32 years old has been arrested on 12/08/2021, charge sheet has been filed. He submits that the applicant has no criminal antecedents and there is no apprehension of the

applicant tampering with the evidence or absconding and trial is likely to take some time for its disposal. Therefore, the applicant be released on bail.

- 4) On the other hand, learned counsel for the State opposes the bail application. She submits that applicant has no criminal antecedents.
- 5) I have heard learned Counsel for the parties.
- 6) Considering the facts and circumstances of the case, the detention period of the applicant who is 32 years old, charge sheet has already been filed, the fact that applicant has no criminal antecedents and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, the application is **allowed**. 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/- 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,
  - 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 Govt./State Govt./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**

Chandrakant