

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8368 of 2020

Sheikh Rihan @ Chand, S/o Sheikh Shabbir, aged about 27 years, R/o Yashodara Nagar, Nearby Khawaja S.T.D. Nagpur, Police Station Yashodara, District – Nagpur (Maharashtra)

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police of Police Station Gunderdehi, District – Balod (C.G.)

---- Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate.
For Non-applicant/State :		Mr. Pawan Kesharwani, P.L.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

12/03/2021

Heard.

1. The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 326 of 2020 registered at police Station Gunderdehi, District – Balod (C.G.) for the offence punishable under Sections 10 of Chhattisgarh Krishak Pashu Parirakshan Adhiniyam and Section 11(1)(घ) of Prevention of Cruelty to Animal Act.
2. Case of the prosecution, in brief, is that the applicant is involved in illegal transportation and trafficking of agricultural cattle, which according to the prosecution, were being transported from being slaughtered.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the alleged case and without any basis it has been alleged that that applicant was involved in transportation and further

that the transportation was for slaughtering the agricultural cattle. It is next submitted that the investigation is complete, charge sheet has been filed and the applicant is in custody since 30.10.2020 and, at this stage, looking to the maximum punishment, which could be awarded for alleged commission of offence, the applicant may be granted regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the applicant is involved in the alleged commission of offence on the basis of material collected wherein it has been found that while agricultural cattle, 38 in number, were being transported, the persons, who were found in the vehicle, were apprehended and upon making enquiry, it was found that the animal was being transported for being handed over to the present applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the involvement of the applicant in the crime in question is based on allegation that the vehicle belongs to the present applicant, though he was not found in the vehicle and that the investigation is complete, charge sheet has been filed and the applicant is in jail since 30.10.2020, I am inclined to release the applicant on bail.
7. The application is accordingly allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

D/-

(Manindra Mohan Shrivastava)

Judge

