

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8436 of 2020

Deepak Gupta, S/o Shri Mahendra Kumar Gupta Aged About 48 Years R/o
Purana Sarkanda Mata Chowk, Sarkanda District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Raipur, District Raipur
Chhattisgarh

---- Respondent

For Applicant	:	Shri Pragalbha Sharma, Advocate
For Respondent/State	:	Shri Mateen Siddiqui, Dy. G.A.

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

Order On Board

19/03/2021

Heard.

1. The applicant has been arrested in connection with Crime No.355/2020 registered at Police Station- Mandir Hasaud, Raipur (CG) for the alleged commission of offence under Section 4, 6 & 10 of Chhattisgarh Agricultural Cattle Preservation Act, 2004 & 11 of the Prevention of Cruelty to Animals Act, 1960 and Section 279 of Indian Penal Code, 1860.
2. Case of the prosecution is that the applicant was transporting agriculture cattle which is alleged to be transported for being slaughtered.
3. Learned counsel for the applicant would submit that the allegation against the applicant is false, no prima facie case is made out. It is further submitted that the applicant is in jail since 30.10.2020, investigation is complete and charge-sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, therefore, he may be granted bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that prima facie case is made out because in presence of witnesses, agriculture cattle which were being transported by the applicant

were seized from his possession and the applicant failed to produce any valid authority of possession. Therefore, the applicant may not be granted bail.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the applicant is in jail since 30.10.2020, investigation is complete, charge-sheet has been filed and there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses and maximum punishment which could be awarded in the alleged commission of offence, the application is allowed.
6. 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 two local sureties 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge