

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 8388 of 2021**

Reddy Banod S/o Hemla Reddy, Aged About 38 Years, R/o Kuravi
Village Warangal, State A. P.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Lohandiguda,
District Bastar, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vikas Shrivastava, Advocate
For State	:	Shri Hariom Rai, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20/12/2021**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 28.09.2021 in connection with Crime No. 55/2021 registered at Police Station – Lohandiguda, District Bastar(CG) for the offence punishable under Sections 4, 6 & 10 of Chhattisgarh Agricultural Cattle Preservation Act, 2004.

2. The allegation against the present applicant as per the prosecution is that the applicant was a helper of the truck bearing registration No. TS/05/UB/1558. The said truck was intercepted by the Police while it was travelling from village Bhond to Village Chakva, district Bastar. In the course of interception, the vehicle was found to be loaded with 12 buffaloes, one of which was found to be dead and 11 were alive. Thereafter, in the cover of darkness, the driver of the vehicle and the other persons accompanied in the truck fled away and the applicant who was the helper got caught and he has been charged for the offence that has been levelled against him.

3. Learned counsel for applicant submits that since the applicant was only a helper, no serious charge that could have been made against the applicant as he was abiding by the directions given by the owner of the vehicle as also by the driver and which the applicant had to do so as to sustain his employment or else he could have lost his employment.

4. State counsel, on the other hand, opposing the bail application submits that the applicant being a helper he was also a part and parcel of the conspiracy of the illegal transportation of animals from one place to another and that the same squarely falls within the ambit of an offence punishable under the Chhattisgarh Agricultural Cattle Prevention Act, 2004.

5. Be that as it may, considering the entire facts and circumstances of the case, particularly taking into consideration the nature of offence levelled against the applicant and also considering the fact that the applicant admittedly was a helper of the said vehicle and also taking note of the period of custody undergone by the applicant, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE