

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8615 of 2021**

1. Mohammad Asif, S/o Mohammad Hanif Qureshi aged about 32 years, R/o Banat Mohalla, Hakikat Nagar, House No. - 571, P. S. Adesh Mandi, District Shamli (U. P.).
2. Nadim Akhtar @ Monu, S/o Valiull Akhtar, aged about 35 years, R/o Tekanaka, Nai Basti, P.S. Panch Pawli, Nagpur, District Nagpur (Maharashtra).
3. Ansar Qureshi @ Toni, S/o Rais Qureshi, aged about 32 years, R/o Sanjay Nagar, Village Banat, P. S. Adesh Mandi, District Shamli (U.P.).

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, O. P. Surgi P.S. Basantpur District- Rajnandgaon, (C.G.).

---- Non Applicant

For Applicants : Mr. Arvind Kumar Dubey, Advocate

For Non Applicant/State : Mr. K. K. Singh, G. A.

Hon'ble Shri Justice Narendra Kumar Vyas**Order On Board****16.12.2021**

1. Heard
2. The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail as they are in jail since 24.09.2021 in connection with Crime No. 414/2021 registered at Police Station – Outpost Surgi, P. S. Basantpur, District- Rajnandgaon (C.G.) for the offence punishable under Sections 4,6, 10, 11 (1A) of Chhattisgarh Agricultural Cattle Preservation Act, 2004 and 47, 48, 49, 50, 52, 54 (1) (2) (3) of the Prevention of Cruelty to Animals Act-1960 {which is wrongly mentioned whereas it should be “the Rules of 47, 48, 49, 50, 52, 54 (1) (2) (3) of the Prevention of Cruelty to Animals (Transport of Animals on Foot), Rules, 2001 as these rules deal with the transportation of animals} and Section 66/192 of Motor Vehicle Act.

3. The prosecution story, in brief, is that on being information received by the In-charge outpost Surgi that applicants were carrying Buffalo in vehicle bearing registration No. MH-40-BL-3510, the Police reached at the spot and arrested the applicants and seized the aforesaid vehicle and 06 buffalo, 07 Calves, 02 Calves and 01 dead buffalo from the possession of the applicants. The FIR bearing Crime No. 414/2021 has been registered for the offence punishable under Sections 4,6, 10, 11 (1A) of Chhattisgarh Agricultural Cattle Preservation Act, 2004 and 47, 48, 49, 50, 52, 54 (1) (2) (3) of the Prevention of Cruelty to Animals Act-1960 {which is wrongly mentioned whereas it should be “the Rules of 47, 48, 49, 50, 52, 54 (1) (2) (3) of the Prevention of Cruelty to Animals (Transport of Animals on Foot), Rules, 2001 as these rules deal with the transportation of animals} and Section 66/192 of Motor Vehicle Act. The applicants have been arrested on 24.09.2021.
4. Learned counsel for the applicants would submit that the applicants have been falsely been implicated in the present case and the charge-sheet has already been filed. He would also submit that the Investigating Officer has falsely roped the present applicants into the aforesaid crime. He would further submit that all the offences are triable by the Magistrate, the trial will take some time for its final conclusion and the applicants are in jail since 24.09.2021, therefore, they may be released on bail.
5. On the other hand, learned counsel for the respondent/State opposes the bail application of the present applicants and would submit that the applicants were carrying the buffaloes for slaughtering that is why a criminal case has been registered against them and it is a clear case of cruelty to animal therefore, they may not be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, charge-sheet

has already been filed, the fact that the applicants are in jail since 24.09.2021 i.e. two month 23 days, and trial is likely to take some time for its final disposal, without commenting upon merits of the case the application is allowed. It is directed that in the event of the applicants executing a personal bond for a sum of Rs.50,000/- each with two local sureties of Rs. 25,000/-each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions :-

- i. 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 them from disclosing such fact to the Court,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall not involve themselves in any offence of similar nature in future.

Certified copy as per rules

Sd/-

(Narendra Kumar Vyas)
Judge

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