

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9250 of 2020

- Sameer Khan S/o Shri Habib Khan Aged About 44 Years R/o Hameed Nagar, Police Station Yashodhara Nagar, District Nagpur (Maharashtra).

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Simga, District Balodabazar Bhatapara Chhattisgarh.

---- Non-Applicant/State

For Applicant	: Shri H.A.P.S. Bhatia, Advocate
For Non-Applicant/State	: Shri Amit Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

29.01.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 08.11.2020 in connection with Crime No. 387/2020, at Police Station- Simga, District- Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 4, 6, 7, 9, 10, 11 of the Krishak Pashu Parirakshan Adhinyam and Section 48, 52 C.G. Pashu Parivahan Adhinyam and Section 49, 49 ए, 50 of the Pashuo Ke Prati Krurta Ka Nivaran Adhinyam.

2. The allegation against the applicant is that he illegally transporting 20 agricultural cattle on truck to the Maharashtra for Slaughterhouse of which nine cattle were dead and two cattle were injured.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely implicated in the case. He submits that applicant is in jail since 08.11.2020, the applicant/accused has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and detention period of the applicant and the fact that the applicant has no criminal antecedents as admitted by both the counsel and there is no likelihood of the applicant tampering with the evidence or absconding, conclusion of the trial is likely to take some time, therefore, the application is allowed. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with one surety of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-

(a) 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.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

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

Nadim