

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8269 of 2021**

1. Marshel Khalkho S/o Chatto Khalkho Aged About 60 Years, R/o Village Dumartoli Barjor, P.S. Kansabel, District Jashpur Chhattisgarh.
2. Tej Kumar Ekka S/o Roben Ekka Aged About 48 Years R/o Village Sahatoli Barjor, P.S. Kansabel, District Jashpur Chhattisgarh.
3. Molsan Ekka S/o Roben Ekka Aged About 29 Years R/o Village Sahatoli Barjor, P.S. Kansabel, District Jashpur Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh Through P.S. Kansabel, District Surajpur Chhattisgarh.

---- Non-applicant**MCRC No. 9064 of 2021**

1. Ignesh Ekka S/o Budhram Aged About 50 Years R/o Barjor, Police Station Kansabel, District Jashpur Chhattisgarh.
2. Siviriyus Beck S/o Chonhas Beck Aged About 35 Years Resident of Barjor, Police Station Kansabel, District Jashpur Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh Through Police Station Kansabel, District Jashpur Chhattisgarh.

---- Non-applicant**MCRC No. 8305 of 2021**

1. Kulwant Beck S/o Beer Kumar Beck, Aged About 29 Years, R/o Barjor, Police Station - Kansabel, District - Jashpur Chhattisgarh.
2. Rakesh Beck S/o Pradeep Beck, Aged About 24 Years R/o Barjor, Police Station - Kansabel, District - Jashpur Chhattisgarh.
3. Hem Maseeh Kujur S/o Budhan Kujur, Aged About 30 Years R/o Barjor, Police Station - Kansabel, District - Jashpur Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh, Through Police Station - Kansabel, District - Surajpur Chhattisgarh.

---- Non-applicant

10.12.2021

1. Since all the applications arise out of same crime number, they are being heard and decided by the common order.
2. The applicants have preferred these First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail as they were arrested in connection with Crime No. 99 of 2021, registered at Police Station Kansabel, District Jashpur (C.G.) for the offence punishable under Sections 4, 6 and 10 of the Chhattisgarh Krishak Pashu Parirkshan Adhiniyam, 2011.
3. Case of prosecution is that, on 27.08.2021. police received secret information that accused persons have killed one cow and cooking meat behind house of Ignesh Ekka. Based on secret information, police reached on spot and seized 35 Kg. of dress meat from Marshel Khalkho, 30 Kg. from Tej Kumar Ekka and 25 Kg. from Molsan Ekka, respectively. Accused in other two MCRC Nos. 9064 of 2021 and 8305 of 2021, namely, Ignesh Ekka, Siviriyus Beck, Kulwant Beck, Rakesh Beck and Hem Maseeh Kujur, utensils have been seized from their possession, which were used for cooking meat. Based on seizure of meat, offence was registered and applicants Marshel Khalkho, Tej Kumar Ekka and Molsan Ekka were arrested on 28.08.2021. Other accused persons in MCRC No.9064 of 2021 were arrested on 20.09.2021 and on 15.09.2021 in MCRC No.8305 of 2021.

4. Mr. Pushkar Sinha, learned counsel for the applicants would submit that applicants have not committed any offence. They have not killed cow as alleged against them. They were preparing goat meat. Applicants are having no criminal antecedent, they are poor villagers. They are in jail since 28.08.2021, 20.09.2021 and 15.09.2021 respectively, hence, they may be enlarged on bail.
5. On the other hand, Mr. Vaibhav Singh, learned P.L. for the State opposing the submissions of learned counsel for the applicants would submit that when police reached on spot, found the accused persons cooking meat after seeing the police, some of the accused persons fled away from spot. Along with meat, police also recovered waste articles of cow meat, which was destroyed after preparing panchnama and 1.5 Kg. meat seized has been sent for FSL. There is prima-facie involvement of applicants in commission of the crime, hence, they are not entitled for grant of bail.
6. However, upon putting a specific query with regard to FSL report, learned State counsel submits that FSL report is still awaited.
7. I have heard learned counsel for the parties.
8. Taking into consideration facts and circumstances of the case, nature of allegations, period of detention of the applicants, there is no criminal antecedent against the applicants, without commenting anything on merits of the case, I am inclined to release the applicants on regular bail.
9. Accordingly, the applications (MCRC Nos. 8269 of 2021, 9064 of 2021 and 8305 of 2021) are allowed and it is directed that the applicants shall be released on bail on their furnishing a personal

bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that :

- a) They shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) They shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge