

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9661 of 2021

1. Parvej Kureshi, S/o Bannu Kureshi, Aged About 30 Years, R/o Village Lohardagga, Kureshi Mohalla, Police Station Thanatoli, Lohardagga, District Lohardagga (Jharkhand),
2. Mohd. Yunus, S/o Mohd. Anees, Aged About 25 Years, R/o Village Akonabedar, Police Station Amas, District Gaya (Bihar)

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer, Police of Police Station Kotwali, District Surguja, Chhattisgarh.

---- Respondent

For Applicants
For Respondent

Mr. Rahul Agrawal, Advocate
Ms. Reena Singh, PL

Hon'ble Justice Shri Deepak Kumar Tiwari

Order On Board

20/12/2021

1. The applicants have preferred this first bail application under Section 439 of CrPC for grant of regular bail, as they have been arrested in connection with Crime No.328/2020, registered at Police Station Kotwali, District Surguja for the offence punishable under Sections 4, 6 & 10 of the Chhattisgarh Agricultural Cattle Preservation Act, 2014 and Section 11 (1) (D) of the Prevention of Cruelty to Animals Act, 1960.
2. The case of the prosecution in brief is that the applicants were illegally taking 57 numbers of calf cattle to Banaras, so the offence has been registered.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. The applicants are poor villagers and they have no previous criminal antecedents. He further submits that the applicants are in jail since 23.03.2021 and were also released on parole, therefore, they may be released on regular bail.
4. Per contra, learned State counsel opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature of accusation, no other criminal antecedents against the applicants, offence is triable by the JMFC and the period of detention, this Court finds fit to enlarge the applicants on regular bail.
7. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of ₹ 10,000/- with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed, subject to following conditions:

(I) The applicants shall furnish a coloured passport size photograph and also a copy of the Aadhar Card before the Trial Court at the time of bail, which shall be verified from its original by the trial Court.

(II) The applicants shall furnish a specific undertaking that while on bail, they will not commit any offence of the same nature, otherwise the bail granted to them shall be liable to be cancelled and shall cooperate the prosecution during trial.

(III) The accused/applicants 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/her from disclosing such facts to the Court or to any police officer.

(IV) The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
Deepak Kumar Tiwari
Judge

Nirala