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Date: 2026.10.28 10:53:12 +0530

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9451 of 2026

- Deepak Sonwani S/o Gopichand Sonwani Aged About 27 Years R/o Village - Kesari, Police Station- Raghunathnagar, District- Balrampur-Ramanujganj (C.G.)

... Applicant

versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Raghunathnagar, District- Balrampur-Ramanujganj (C.G.)

... Non-applicant

For Applicant	:	Mr. Sachin Nidhi, Advocate and Mr. Anjay Mishra, Advocate
For Respondent-State	:	Mr. Himanshu Yadu, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

27/10/2026

1. Applicant has filed this **first bail** application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail as he has been arrested in connection with Crime No. 110/2026 registered at Police Station – Raghunathnagar, District Balrampur-Ramanujganj (C.G.) for offence punishable under Sections 111(2) of BNS, Section 4, 6,10 of Chhattisgarh Cattle Preservation Act, 2004 and Section 11(1)(d) of Prevention of Cruelty to Animals Act, 1960.

2. Case of prosecution in brief is that on 16.09.2026, Assistant Sub-Inspector Filiriyus Toppo of Police Station Raghunathnagar received secret information that certain cattle smugglers were brutally assaulting buffaloes and calves in

village Kesari and taking them on foot through a forest route towards Uttar Pradesh for slaughter. Based on the information, the police reached the village and apprehended the applicant/accused Deepak, while the other persons fled upon seeing the police. During interrogation, the accused allegedly admitted to his involvement in cattle smuggling. Police seized 34 buffaloes and calves from his possession and registered aforementioned crime and applicant was arrested.

3. Learned counsel for applicant submits that applicant has not committed any offence as alleged. He submits that applicant is a villager and was only taking the cattles from one village to another. He also contended that applicant was arrested on 17.09.2026 and since then about more than one month is lapsed. No custodial interrogation is required from applicant. Offence is triable by Judicial Magistrate First Class, trial may take some time. He also submits that after taking into custody of the cattles from possession of applicant, police has not got examined the cattles by the doctor so as to make out allegation under Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960.

4. On the other hand, learned State counsel opposes the submission of learned counsel for applicant and would submit that applicant could not be able to produce any document of possession of cattles which he was taking with him in the night in forest area. He also contended that one more crime of similar nature is registered against application of the year 2025, which as per the disclosure is pending. He also pointed out that charge-sheet has been filed.

5. Upon putting query, he submitted that there is no record with regard to medical examination of the seized cattles.

6. I have heard learned counsel for the parties.

7. Taking into consideration, facts and circumstances of the case, nature of allegation, submission of learned counsel for the parties, no further custodial interrogation is required, offences are triable by Judicial Magistrate First

Class, trial may take some time to conclude, without commenting anything on merits of the case, I am inclined to allow this bail application.

8. Accordingly, bail application is **allowed**. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of ₹ 25,000/- with one surety in like sum to the satisfaction of the Court on the conditions that-

(a) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(b) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(c) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(d) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Parth Prateem Sahu)
JUDGE

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