



2026:CGHC:3931



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 783 of 2026

Dharmendra Barik S/o Manglu Barik Aged About 45 Years R/o Virendra Nagar, Ward No.1, Saraipali, P.S. Saraipali, District Mahasamund (C.G.)

... **Applicant**

versus

State Of Chhattisgarh Station House Office Saraipali, District Mahasamund (C.G.)

... **Non-applicant**

For Applicant	: Mr. Siddharth Rathod, Advocate.
For Non-applicant/State	: Mr. Shubham Bajpai, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice
Order on Board

22.01.2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 217/2025, registered at Police Station : Saraipali District - Mahasamund (C.G.) for the offence punishable under Sections 4,6 and 10 of the C.G. Agricultural Cattle Preservation Act 2004.



2. The prosecution case, in brief, is that on 14.08.2025, villagers informed the authorities that two persons were transporting cattle towards Odisha. Upon receiving this information, members of Bajrang Dal reached the spot and found that about 20 cattle were being transported in a cruel and inhuman manner. Thereafter, the police were informed, and offences were registered against the present applicant and another co-accused under the relevant provisions of law. During the course of investigation, the applicant was arrested on 14.08.2025 (though the impugned order incorrectly mentions the date as 14.08.2024), and since then, the applicant has been in judicial custody.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case, as no offence under Sections 4, 6 and 10 of the Chhattisgarh Agricultural Cattle Preservation Act is made out against him and the essential ingredients of the said provisions are not fulfilled. It is contended that the applicant was neither transporting the cattle nor has any seizure been made from his possession, and the learned court below failed to appreciate this material fact. The prosecution case itself reveals that the cattle had entered the agricultural field of the co-accused and were causing damage to the standing crops, and the applicant along with the co-accused was merely attempting to drive them out, which cannot by any stretch of imagination amount to cruelty to cattle. It is further submitted that the statements of prosecution witnesses suffer from material contradictions and omissions, and the witnesses are interested witnesses, rendering their testimony unreliable. The



charge-sheet reflects that the investigation has not been conducted in accordance with law and that the applicant has been roped in merely on suspicion and conjectures. The learned court below also failed to consider that the applicant has been in custody since 14.08.2025, therefore, he prays for the grant of regular bail to the applicant.

4. On the other hand, the learned State Counsel opposes the bail application of the applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature and gravity of the offence, and the fact that the applicant has no criminal antecedents, and further considering that the charge-sheet has already been filed before the competent Court and the applicant has been in custody since 14.08.2025, and that the trial is likely to take considerable time for its conclusion, this Court is of the considered opinion that the applicant is entitled to be released on bail in the present case.
7. Let applicant, **Dharmendra Barik**, involved in Crime No. 217/2025, registered at Police Station : Saraipali District - Mahasamund (C.G.) for the offence punishable under Sections 4,6 and 10 of the C.G. Agricultural Cattle Preservation Act 2004, be released on bail on furnishing **personal bond** with **two local sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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.

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

Sd/-

(Ramesh Sinha)
Chief Justice