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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10198 of 2025

- 1- Matbal Lohar S/o Rameshwar Lohar, Aged About 55 Years R/o Village Pasarkhet, Police Station Kartala, District Korba (C.G.).
- 2- Radhe Lohar S/o Matbal Lohar Aged About 20 Years R/o Village Pasarkhet, Police Station Kartala, District Korba (C.G.).
- 3- Manbodh Lohar S/o Anand Lohar Aged About 40 Years R/o Village Taulipali, Police Station Kartala, District Korba (C.G.)

... Applicant

versus

State Of Chhattisgarh Through District Magistrate/ Station House Officer, Police Station Kartala, District Korba (C.G.)

... Respondent

For Applicant	: Mr. Chandrikaditya Pandey, Advocate
For State/Respondent	: Ms. Sameeksha Gupta, P.L.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

23.01.2026

1. The applicants have preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No.171/2025, registered at Police Station – Kartala, District-Korba (C.G.) for the offence punishable under Sections



325, 3(5) of the Bharatiya Nyaya Sanhita, 2023 Sections 4, 10 of C.G. Agriculture Cattle Preservation Act, 2004 and Section 11(1)(1) of Prevention of Cruelty to Animals Act 1960.

2. The case of the prosecution case, on 01.11.2025, the police of Police Station Kartala, District Korba (C.G.), on the basis of credible information, conducted an inquiry and found that the co-accused persons were involved in illegally cutting, cooking, and consuming their own ox. It is alleged that the said act was committed in violation of the provisions of law and amounted to causing cruelty to animals and contravention of the cattle preservation laws in force in the State of Chhattisgarh. On the said allegations, an offence punishable under Section 325 and Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 4 and Section 10 of the C.G. Agriculture Cattle Preservation Act, 2004, and Section 11(1)(1) of the Prevention of Cruelty to Animals Act, 1960 was registered against the co-accused persons.
3. It is argued by the learned counsel for the applicants have been falsely implicated due to family dispute and prior enmity, particularly at the instance of the son of Applicant No.1. even as per the prosecution case, no eyewitness has seen the alleged occurrence, no immediate report was made, and the FIR was lodged after an unexplained delay of 6–7 days, which gravely affects the credibility of the prosecution story. It is further submitted that the applicants never killed or cooked any ox; at



best, they were informed by villagers about cattle bones found in a dried well, and no material exists to connect the applicants with the alleged offence. There is no allegation of cruelty or assault by the applicants, no independent witness has supported the case, no test identification parade has been conducted, and the case rests solely on interested testimony. It is further submitted that the applicants have been in judicial custody since **08.11.2025**, the charge-sheet has not been filed despite completion of investigation, and no further custodial interrogation is required, therefore, they are entitled to be enlarged on bail.

4. On the other hand, the learned State counsel opposes the bail application and submits that there is no criminal antecedents registered against the present applicants and the charge-sheet has been filed in this case.
5. I have heard learned counsel for the parties and perused all of the documents available on record.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicants and the fact that there is no criminal antecedents registered against the present applicants and the charge-sheet has been filed and applicants have been jail since **08.11.2025** and conclusion of the trial is likely to take some time, I am inclined to **allow** the same.
7. Let the applicants, **Matbal Lohar, Radhe Lohar & Manbodh** involved in Crime No.171/2025, registered at Police Station –



Kartala, District-Korba (C.G.) for the offence punishable under Sections 325, 3(5) of the Bharatiya Nyaya Sanhita, 2023 Sections 4, 10 of C.G. Agriculture Cattle Preservation Act, 2004 and Section 11(1)(1) of Prevention of Cruelty to Animals Act 1960 be released on bail on his furnishing **a personal bond** with **local sureties** in the like sum to the satisfaction of the court concerned with the following conditions:-

- (i) The applicants 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 applicants 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 applicants misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicants 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 applicants shall remain present, in person,



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

**Sd/-
(Ramesh Sinha)
Chief Justice**

Arpan