

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C No. 3779 of 2015**

Anil Baghmare, aged about 24 years, S/o. Shri Gautam Baghmare, resident of Village Kamgar Nagar, Kamar Collony Kapil Nagar, Tekanaka P.S. Jaripatka, District Nagpur (M.H.) (PS, Civ. & Rev. Dist. Not mentined in order)

---- Applicant

Versus

State Of Chhattisgarh through PS – Amanaka, Civ. & Rev. Distt. Raipur (C.G.)

---- Non-applicant

For Applicant:	Shri Shashibhushan Tiwari, Advocate
For Respondent/State:	Shri Om. P. Sahu, Deputy Govt. Advocate for the State.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****05/08/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 147/2014 registered at Police Station –Amanaka, District Raipur for the offence punishable under Sections 4,6,7,9,10 &11 of the Agriculture Animals Protection Act & Sections 4, 5 & 6 Animals Examination Act, Section 11 of Prevention of Cruelty to Animals Act, 1960 & Sections 47 a,b,c, 48, 49 a,b,c, 50, 52 of Transportation of Animals Rules.

(2) Case of the prosecution, in brief, is that on 21.05.2015 the applicant was found transporting 28 agricultural scheduled animal to the Nagpur (State of Maharashtra) for the purpose of slaughtering and thereby committed aforesaid offences.

(3) Counsel for the applicant submits that applicant has falsely been implicated in the crime in question as he has not committed any offence. He further submits that neither the applicant is driver nor owner of the vehicle, in which, the animals were transporting to the Nagpur, State of Maharashtra and, as such, he cannot be made responsible for the said offence. He also submits that applicant is in jail since 30.06.2015; and the charge sheet is yet to be filed but substantial investigation has already been made and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that the owner of the vehicle has already executed power of attorney in favour of applicant on 7.11.2012 for the period of three years and, therefore, the applicant is not entitled to be released on bail.

(5) Considering the totality of the facts and without further commenting on merits; and considering his detention period and the substantial investigation has already been made; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

