

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7245 of 2015

- Tuvendra Kavde S/o Namdev Kavde Aged About 32 Years R/o Ward No. 3, Pardhi Nagar, Hingna Road, M. I. D. C. , Revenue / Civil Distt. - Nagpur (M.H.)
--- **Petitioner**

Versus

- State of Chhattisgarh Through - Thana Ghumka, Revenue / Civil Distt. - Rajnandgaon Chhattisgarh
--- **Respondent**

For the applicant	:	Mr. Sameer Singh, Advocate.
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.12.2015

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 50 of 2015 registered at Police station Ghumka, Distt. Rajnandgaon (C.G) for the offences punishable under sections 4, 6, 10, 11 (A) of the Chhattisgarh Agricultural Cattle Preservation Act 2004 and Section 11 of the Prevention of Cruelty to Animals Act and Section 66/192 of the Motor Vehicles Act.
2. As per the prosecution case, on 09.05.2015 after receiving information, the police has conducted the raid/inspection and seized the Max Pick Up bearing No. M.H.40 N 1323 which was carrying 7 cattle to the slaughter house. It is alleged that the cattle were crowded in a congested space of the vehicle causing suffocation. The driver of the vehicle having seen the police team, fled away from the scene and subsequently the applicant has been arrested.
3. Learned counsel for the applicant submits that the applicant was not apprehended on the spot and the vehicle was given on hire to one Abdul Suhan and therefore it cannot be said that the applicant has committed the offence.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Taking into fact that the applicant has already been arrested on 04.10.2015 and further the fact as to whether the applicant was in possession of the vehicle at the time of incident is to be adjudicated by the trial Court and no further investigation is required in this case and looking to the detention period of the applicant, I am inclined to release the applicant on bail.
6. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.
7. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**