

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 651 of 2016

1. Kishor Sahu, S/o. Deenaram Sahu, aged about 29 years, R/o. Village-Bhakurra, Thana/Tahsil – Chhuriya, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : P.S. - Gaindatola, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant	: Mr. Sameer Singh, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/08/2016

1. Apprehending arrest in connection with Crime No.22/2016 registered at Police Station- Gaindatola, (wrongly mentioned as Gendatola) District – Rajnandgaon (C.G.), for offence punishable under Section 4, 6, 10 of C.G. Agricultural Cattle Preservation Act, 2004 and Section 11 of Prevention of Cruelty to Animals Act, the applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that on 31.05.2016, few of the people goading the cattle and when the police intercepted, the applicant fled away and 7 Ox were recovered. On enquiry it was found that the applicant was taking the cattle to the slaughter house, Nagpur.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case as the allegation itself is completely vague as the cattle were being taken by goading to Nagpur is not possible. It is further submitted that no evidence is existed against the applicant and seizure was not made from the

applicant. Therefore, it is prayed that the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned State counsel opposes the application for grant of bail and would submit that as per the statement of Ramesh Chandra, the applicant fled away from the scene.
5. I have heard the learned counsel for the parties.
6. Perused the case diary and the documents. The case diary does not contain the statement of Ramesh Chandra though it is recorded in the case diary. Considering the facts and circumstances of the case, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicant shall 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/-
(Goutam Bhaduri)
Judge