

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 123 of 2016

Nabeer Ansari, S/o. Late Shri Imamuddin Ansari, Aged about 50 years,
Occupation Agriculture, R/o. Village Korvadih, P.S. Gadwa, District Gadwa,
Jharkhand.

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, P.S. Trikunda, District
Balrampur, Ramanujganj (C.G.)

---- Respondent

For Applicant	:-	Mr. Jitendra Shrivastava, Advocate
For Respondent/ State	:-	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22/02/2016

1. Apprehending arrest in connection with the Crime No. 16/2015, registered at Police Station Trikunda, District – Balrampur (C.G.) for the offence punishable under section 4,6 and 10 of C.G. Krishak Pasu Parirakshan Adhiniyam 2004 and section 11(1) (क) (ख) of the Pasu Krurata Nivaran Adhiniyam 1960. The applicant has filed this application under Section 438 of Cr. P. C. for grant of anticipatory bail.

2. Case of the prosecution, in brief, is that on 04.04.2015 a secret information received that certain cattle are being transported to Jharkhand, the Police raided the spot and recovered 40 cattle which were being goaded to Jharkhand through the forest road. Co-accused Aabid Ansari was caught from the spot and the other co-accused persons namely Pradeep, Ramratan Khairwar fled away from the spot. Subsequently, on inquiry it was revealed

that the present applicant Nabeer Ansari was also following the other co-accused. Thereby the offence is committed.

3. Counsel for the applicant submits that no evidence is available against this applicant and only on the basis of memorandum statement of the other co-accused persons wherein it is stated that there was share of this applicant, the applicant has been inculpated, therefore, the applicant may be given the benefit of anticipatory bail.

4. Per contra State counsel opposes the prayer for grant of bail.

5. Considering the totality of facts and circumstances of the case and taking into the statements of the witnesses wherein initially three persons were named apart from one who was arrested on spot and applicant was stated to be following the accused and named by the co-accused, prima-facie, it appears that the allegation of involvement are not directly attributed to this applicant and taking into facts available, this Court is of the opinion, that it is a fit case where the applicant can be extended the benefit of anticipatory bail.

5. 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 them on executing a personal bond in sum of Rs.25,000/- with one local 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 them 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) the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE

santosh