

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 437 of 2016

- Shabbar Ali S/O Sahban Ali Aged About 40 Years R/O Village Dawankara, P.S. Chandoura, District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhatgaon, District Surajpur Chhattisgarh.

---- Respondent

For Applicant : Mrs. Hamida Siddiqui, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.06.2016

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 55 of 2016 registered at Police Station Bhatgaon, District Surajpur (CG) for offence punishable under Section 379 of the IPC and Section 10 of Chhattisgarh Krishak Pashu Parakshan Adhiniyam 2004 and Section 11 of Pashuo Ke Prati Krura Ka Nivaran Adhiniyam, 1960.
2. As per case of prosecution, on 16-3-2016 the applicant along with two other two accused persons namely Heeradhan Kanwar and Dhan Sai while coming from Anrokha to Pratappur, was beating the cattle with cruelty and were being taken to Jharkhand State for slaughtering purpose and thereby he committed the aforesaid offence.
3. A report was made by one Dwarika Gupta wherein it has been stated that from the spot other two accused persons

were arrested along with cattle and the present applicant fled away from the scene.

4. Learned counsel appearing for the applicant would submit that as per Annexure A/2, the applicant has purchased the cattle from one Sameern Khan for agricultural purpose, therefore, no case can be attributed under Section 379 of the IPC and other cases under Section 10 of Chhattisgarh Krishak Pashu Parakshan Adhiniyam 2004 and Section 11 of Pashuo Ke Prati Krura Ka Nivaran Adhiniyam, 1960. would not be made out as the applicant was not present on the spot, therefore, the applicant may be granted benefit of anticipatory bail.
5. Learned State counsel opposes the prayer for grant of anticipatory bail.
6. I have heard learned counsel for the parties.
7. I have perused the report of the complainant made on 19-03-2016 wherein it is stated that the applicant along with other two co-accused persons was beating the cattle with cruelty and were being taken to Jharkhand State for slaughtering purpose and from the spot other two accused persons were arrested along with cattle and the present applicant fled away from the scene.
8. Taking into consideration all the facts and circumstances of the case and further considering the report made by the complainant, I am not inclined to extend benefit of anticipatory bail to the applicant.

9. Accordingly, the anticipatory bail application of the applicant is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju