

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 945 of 2016**

- Surjit Singh W/O S. Teja Singh Aged About 68 Years R/O 172. Baba Budaji Nagar, Tekanaka, Nagpur, Maharashtra.

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Chichola, District Rajnandgaon, Chhattisgarh.

---- Respondent

 For Applicants : Mr. H..S. Ahluwalia, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****21-10-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 223 of 2007 registered at Police Station Chichola, District Rajnandgaon (CG) for offence punishable under Sections 4, 6, 7 and 11 of CG Krishik Pashu Parirakshan Adhiniyam and Sections 66 and 196 of the Motor Vehicles Act.
2. As per case of the prosecution, on 26-9-2007 one Ashlam Beg was arrested in a case under Sections 4, 6, 7 and 11 of CG Krishik Pashu Parirakshan Adhiniyam and Sections 66 and 196 of the Motor Vehicles Act with the vehicle bearing registration No CG-04-ZC-3835 while he was carrying the domestic animals in the said vehicle. Subsequently, charge-sheet was filed in the year 2010 wherein applicant was shown to be owner of the said vehicle and thereby the aforesaid offence has been committed by the applicant along with other co-accused person.

3. Learned counsel appearing for the applicant would submit that the aforesaid vehicle was sold to one Abdul Kadeer in the year 2006 before the alleged offence happened which would be evident from Annexure A/3 who is a registered owner which shows that the applicant is not owner of the said vehicle. Further, the trial Court on that basis on 29-9-2009 had given the aforesaid vehicle to Abdul Kadeer on Suprudnama as per annexure A/4, therefore, the applicant has already sold the aforesaid vehicle to Abdul Kadeer as per Annexure A/2 and the applicant was not in possession of the aforesaid vehicle, therefore, the applicant may be extended the benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents which shows that owner of the vehicle is shown as one Abdul Kadeer which is forfeited by Annexure A/4 by the trial Court which shows that the said vehicle was given to Abdul Kadeer on Suprudnama .
6. Considering the facts and circumstances of the case and further considering the particulars of registration and documents of the charge-sheet , I am inclined to extend benefit of anticipatory bail to the applicant.
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 his executing a personal bond in the 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 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) 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

Raju