

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 97 of 2017

- Mo. Ramjan S/o Mo. Abdul Hamid Aged About 60 Years R/o Village Jhink Bijuri, Tahsil Jaitpur, District- Koriya, Chhattisgarh.
--- **Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Plice Station Kelhari, District-Koriya, Chhattisgarh. --- **Respondent**

For the applicant : Mr. P.S. Baghel, Advocate.
For the State : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.04.2016

1. Apprehending arrest in connection with Crime No. 43/2016 registered at Police Station Kelhari Distt. Koriya (C.G) for the offences punishable u/ss 6 & 10 of the C.G. Agricultural Cattle Preservation Act, 2004 and Section 11(1)(g)(h) of the Prevention of Cruelty to Animals Act, 1960. This is second bail application. The earlier one was rejected on 02.12.2016.
2. As per the prosecution case, on 15.05.2016 an information was received that a Truck bearing No. M.P. 53-GA/2818 was carrying cattle to the slaughter house and when the said truck was intercepted, 16 cattle were seized. During investigation, the driver has stated that on the instructions of the present applicant and his son the cattle were being taken to slaughter house, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that

earlier on the wrong statement made by the Government Advocate, the bail was dismissed as it was stated by the State Counsel that crime no.41/2015 was registered but actually crime 411/2015 was registered earlier in respect of the present applicant and that crime was registered u/s 11(1) of the Prevention of Cruelty to Animals Act, 1960 wherein fine upto Rs.100/- and sentence upto 3 months is prescribed, therefore, this case is entirely different and the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary and statement of Shambu Dayal the driver wherein it is stated that the cattle were loaded at the instance of this applicant and his son. The charge sheet has been filed and still the applicant appears to be absconding. Considering the same I do not find it a fit case to extend the benefit of section 438 Cr.P.C. Accordingly, the application is rejected.

Sd/-
GOUTAM BHADURI
JUDGE