

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1408 of 2018**

Mohd. Mahtab Kuraishi, S/o. Late Shri Chhunu Kuraishi, Aged About 38 Years, R/o Village- Kuraishi Mohalla, Lohardaga, Police Station and Tahsil- Lohardaga, Jharkhand.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station- Jashpur, Police Chowki- Lodam, District- Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajeet Yadav, Advocate
For Respondent/State : Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****19/11/2018**

1. Apprehending arrest in connection with Crime No.54/2018, registered at Police Station – Jashpur, District – Jashpur (C.G.) for offence punishable under Section 4, 6, 10 of the Prevention of Cruelty to Animals Act, 2005, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case only on the basis of the statement given by the co-accused person. No seizure of any cattle has been made from the applicant. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that this applicant was present along with co-accused when the cattle for slaughter was seized, hence, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. On the date of incident, police personnel of police chowki -Lodam under police station – Jashpur intercepted four pick-up trucks, in which cattle were being transported in a cruel manner. The persons present on the spot could not give any explanation about the purpose of transport and hence, the offence was registered. Name of this applicant has appeared in the statement given by the co-accused persons.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present on record and considering the facts and circumstances of the case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram