

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 13 of 2018**

M. Narayan Rao, S/o. M. Nageshwar Rao, Aged About 29 Years, R/o. Dadar Road, B.M.Y. Charoda, District- Durg, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through The Station House Officer, Police Station Parpodi, District Bemetara (Wrongly Mentioned as District Durg) Chhattisgarh.

---- Respondent

For Applicant	: Mr. B.P. Singh, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/04/2018**

1. Apprehending arrest in connection with Crime No.61/2017, registered at Police Station – Parpodi, District – Bemetara for offence punishable under Section 409, 467, 471/34, 120-B of the Indian Penal Code and Section 4, 6 of Chhattisgarh Pashu Parirakshan Adhiniyam and Section 11 of the Prevention of Cruelty to Animal Act, 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. Mayuri Goshala has been inaugurated in the year 2015 and in between number of cattle were sent to Goshala from different *Kanji* house. The grant that was received from C.G. Goseva Ayog has been used for the

purpose of maintenance and up-keep of the cattle present in the Goshala. A false complaint has been made by the complainant making false allegation against this applicant. This applicant intends to defend himself in the trial before the concerned trial Court. Hence, looking to the apprehension, he may be extended the benefit of Section 438 of Cr.P.C.

3. Per contra learned State counsel opposes the application for grant of anticipatory bail and the submission made in this respect. It is submitted that there is ample evidence in this case diary to show the involvement of the applicant in the commission of offence registered against him. This applicant is absconding since from beginning and he has not cooperated with the investigation. Although the investigation has been completed and the challan has been filed showing this applicant as absconding. Hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. According to the prosecution case, Rs.22.00 lakhs has been received by Mayuri Goshala of which this applicant is President. On inspection made by Dr. Avdhesh Kumar Singh, Deputy Director Veterinary Department, mismanagement in the Goshala has been found and it was also found that no expenditure has been made for the maintenance and up-keep for the Goshala. It was also found that increased number of cattle has been shown by this applicant to claim the grant from the Ayog.
6. Considered the submissions made and the contents of the case diary. On perusal of the case diary and the investigation made so

far, it appears that case has to be examined before the trial Court with exactitude as the allegations made in the case against this applicant suffers from vagueness. As the investigation has been completed and there is no requirement of custodial interrogation of this applicant, neither there is any requirement that he should be kept in detention for the purpose of trial, hence for this reason, this Court is of the opinion that it is a fit case, where the applicant should be extend the benefit of Section 438 of Cr.P.C.

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