

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 410 of 2019**

Mohammad Shabbir S/o Abdul Aziz Aged About 48 Years R/o Sadar Road
Naya Para, Rajim District Gariyaband Chhattisgarh, District : Gariyabandh,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Kumhari District Durg
Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Devershi Thakur, Advocate.
For the Respondent/State : Shri I. Lakra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.03.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 29 of 2019, registered at Police Station Kumhari, District Durg, Chhattisgarh for the offence punishable under Section 11(1)(D) of the Prevention of Cruelty to Animals Act, 1960, Sections 81 and 91 of the Motor Vehicles Act, 1988 and Sections 4, 6, 7, 10 and 11 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant has a registered establishment with respect to business of trading in hide and bones of dead animals. The registration certificate is filed alongwith the application as Annexure-A/2. Without any rhyme and reason, the members of Bajrang Dal had stopped the vehicle of the applicant and lodged FIR against this applicant which is totally false and baseless and no case is made out under Sections 4, 6, 7, 10 and 11 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. On the date of incident, a consignment of hides and bones of dead animals was being transported to the concern of this applicant which was stopped by the members of Bajrang Dal and the FIR was lodged against this applicant and others. Hence, this case.

7. After considering the entire material present in the case-diary, the applicability of the provisions of the Chhattisgarh Agricultural Cattle Preservation Act, 2004 and also for the reason that the applicant is a licensed businessman for the concerned goods, I feel inclined to grant

anticipatory bail to the applicant.

8. 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 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge