

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 412 of 2019

- Sanjay Tandan, S/o Shri Gendu Tandan, Aged About 34 Years, R/o Village Kesarwadih, Thana Jarhagaon, Civil & Revenue District-Mungeli Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Masturi, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sumit Shrivastava, Advocate.

For Respondent : Mr. I. Lakda, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

01/04/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.51/2019 registered at Police Station-Masturi, District-Bilaspur(C.G.), for the offence punishable under Sections 4, 6 & 10 of the Chhattisgarh Krishak Pashu Parirakshan Adhiniyam 2004 and Section 11 of the Prevention of Cruelty to Animals Act, 1960.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. None of the witnesses has named this applicant as one of the accused involved in this case. The applicant is under

apprehension only because of memorandum statement of co-accused, which is not a legally admissible evidence, hence, it is prayed that application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that the investigation is still pending and the evidence may be collected against this applicant, therefore, his application be rejected.
4. Heard both the parties and perused the case diary.
5. On the date of incident, based on a confidential information, the police personnel of police-station Masturi stopped truck bearing registration No.MH-40-BG/7930 and in the said truck total 17 agriculture cattle were found to be illegally transported. Since the persons travelling in the said truck failed to give probable explanation, the offence has been registered against them. This applicant was not present on the spot and his name appeared for the first time in memorandum statement of co-accused persons. Therefore, looking to this evidence proposed against this applicant, I feel inclined to grant anticipatory bail to the applicant.
6. 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 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha