

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 533 of 2019

- Kutub Momin S/o Uddin, Aged About 45 Years, R/o Amtahi, P.S. Samari, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Samari, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Pushpendra Kumar Patel, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-04-2019

1. Apprehending arrest in connection with Crime No.03/2019, registered at Police Station – Samari, Civil and Revenue District Balrampur-Ramanujganj, Chhattisgarh for offence punishable under Section 4, 6, 10 of Chhattisgarh Prevention of Animal Act 2004 and Section 11(घ) of Prevention of Cruelty to Animals Act, 1960, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out. There is no such evidence that the cattle that was being driven through forest route was being taken to slaughter house. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant was found present in the spot and when he was enquired about the cattle being taken to slaughter house he ran away from the spot, therefore, he is not entitled for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.

5. On the date of incident complainant Sitaram Yadav saw the applicant driving the cattle from forest route in a very cruel manner, because of which when he enquired from him for the reason of cruelty, the applicant ran away from the spot. Hence, this case.

6. After considering on facts and circumstances and the nature of this case, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge