

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 794 of 2019**

Jeyarul Ansari S/o Late Nasir Ansari Aged About 35 Years Caste- Julaha,
R/o Village- Govindpur, Police Station- Jari, District- Gumla, Jharkhand.

---- Applicant**Versus**

State Of Chhattisgarh Through Out Post- Manora, Police Station- Jashpur,
District- Jashpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Pushkar Sinha, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.08.2019**

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. 35 of 2019, registered at Police Station – Jashpur, District – Jashpur, Chhattisgarh for the offences punishable under Section 4, 6 and 10 of the Chhattisgarh Agriculture Cattle Preservation Act and Section 11(1) of the Prevention of Cruelty of Animals Act.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. It is submitted that the only evidence against the applicant is that the co-accused persons who were found with the cattle

and arrested on the spot have stated in presence of police that the cattle belonged to this applicant. Further, there is no evidence that the cattle were being taken to the slaughter house. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the witnesses of seizure have stated that in their presence the co-accused persons have stated that this applicant was the owner of the said cattle which were seized. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. According to the prosecution case, on the date of incident, the police personnel made a seizure of 12 cattle were being taken to Jharkhand by road by two accused persons. The police personnel of police station Manora, District Jashpur with the assistant of Gau Sevak made seizure of cattle and arrested the co-accused persons. The co-accused persons have stated that this applicant was the owner of the said cattle.

7. After considering on the material present in the case-diary and taking into consideration the fact that there is only presumption that the cattle were being taken to the slaughter house, 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. He 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 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