

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 532 of 2020

- Shadat Hussain S/o Shafiq Hussain Aged About 25 Years R/o Bandega, Sundargarh, District Sundargarh, Odisha.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tapkara, Kunkuri, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Shri Hariom Rai, Advocate.

For Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

19/06/2020

1. The matter is heard through video conferencing.
2. The Applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 02/2020 registered at Police Station- Tapkara, Kunkuri, District – Jashpur, Chhattisgarh for the offence punishable under Sections 5, 6, & 7 of Chhattisgarh Agricultural Cattle Preservation Act, 2004.
3. According to the case of the prosecution, on 01.01.2020 on the basis of information received from Gopal Kashyap, police personnel reached the spot and caught hold the co-accused person namely Sameer Baksh. At that time Sameer Baksh was found in possession of 4 Kg of beef. It is alleged that present applicant was also present

alongwith co-accused Sameer Baksh and fled away from the spot. Dehati Nalishi was recorded and on the basis of the said, offence has been registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that there is no any direct evidence against present applicant. Applicant is implicated in the present case only on the basis of disclosure made by the co-accused Sameer Baksh. Therefore, it is prayed that present applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case and evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
8. Accordingly, the bail application is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) He 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 fact to the Court,
 - (ii) He shall not act in any manner which will be

prejudicial to fair and expeditious trial, and

- (iii) He shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash