

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1959 of 2019

- Santram Bhatt S/o Late Derha Ram Bhatt Aged About 64 Years R/o Late Bharenga, Police Station and Tahsil Abhanpur, District - Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Abhanpur, District - Raipur Chhattisgarh.

---- Respondent

AND

MCRCA No. 2005 of 2019

- Bhuneshwar Yadav S/o Shri Sirat Yadav Aged About 50 Years R/o Village Bharenga, P. S. and Tahsil Abhanpur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Abhanpur, District Raipur Chhattisgarh.

---- Respondent

For Applicants	: Shri Pushpendra Kumar Patel, Advocate.
For Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

03/03/2020

1. As both the cases arise out of same crime number, therefore, they are being decided by this common order.
2. The Applicants are apprehending their arrest in connection with Crime

No. 583/2019 registered at Police Station Abhanpur, District – Raipur, (C.G.) for the offence punishable under Sections 429 & 34 of I.P.C and Section 4, 11 of Prevention of Agricultural Animal Act, 2004.

3. As per the prosecution story, on 07.11.2019 at around 11:30 am three cows were found dead in the N.I.T premises. The said information was given to the Collector, thereafter, a primary enquiry was conducted by the S.D.M. It is alleged that both applicants namely Santram Bhatt and Bhuneshwar Yadav kept the street cows locked in the premises of N.I.T. Applicants have also collected money from the villagers to feed them and to look after them but no such care was taken by them, due to that three cows died and three cows become ill. On the basis of the said report, offence has been registered.
4. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some dispute with the villagers. He further submits that all the villagers altogether have kept the cows in the N.I.T. premises and for that they have collected money among themselves. Thereafter, due to some dispute villagers have implicated the applicants in a false case. Looking to the above, it is prayed that present applicants may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application and submits that in the statements of witnesses namely Harilal, Tijiya Patel, Jethu and Lal Chand, recorded under Section 161 of Cr.P.C. have categorically stated the fact that both applicants have kept the cows locked in the N.I.T. campus and they have also not made proper arrangement for feeding of the cows. It is further submitted that as per the medical report, cows become ill due to lack of proper nutrition. Thus, there is sufficient material available against the applicants. Therefore, anticipatory bail applications of the applicants should be rejected.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.

7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, after going through the statement of witnesses and medical report, there is sufficient evidence available against applicants, therefore, I am not inclined to extend the benefit of anticipatory bail to the present applicants.
8. Accordingly, the bail applications are rejected.

Sd/-

(Arvind Singh Chandel)
Judge