

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 430 of 2021

- Nehruram Nagesh S/o Jarhuraam Nagesh, Aged About 35 Years R/o Village Podikala, P.S. And Tahsil Darima District Sarguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Darima, District Sarguja Chhattisgarh

---- Respondent

MCRCA No. 445 of 2021

- Chandrika Prasad S/o Hari Prasad, Aged About 35 Years R/o Village Adachi, P.S. And Tahsil Darima, District Sarguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Darima, District Sarguja Chhattisgarh

---- Respondent

For Applicants	:	Shri D. Kushwaha, Advocate
For Respondents/State	:	Shri Rahul Jha, GA

Hon'ble Shri Justice Goutam Bhaduri

Order

28/07/2021

1. Since both these anticipatory bail applications are arising out of the same crime number, therefore, they are being heard and decided together by this common order.
2. These applications under Section 438 of the Code of Criminal Procedure have been filed by the applicants apprehending their arrest in connection with Crime No.158/2020 registered at Police Station Darima, Civil and Revenue District Sarguja (C.G.) for the offence punishable under Sections 11 (1- च) Prevention of Cruelty to Animals Act 1960 and Sections 4, 6 and 10 Chhattisgarh Prevention of Agricultural Animal Act, 2004.

3. As per the prosecution case, on 02.12.2020 the applicants were carrying away the cattle in the wee hours to handover to Dashrat Miyan from one village to other at that time few of the villagers intercepted and one Kishun Kujur was caught and the applicant Nehruram Nagesh fled away from the scene and the applicant Chandrika Prasad, at whose instance the cattle were being transported to handover to Dashrat Miyan, who was going to further transport the cattle to the slaughter house, is also absconding. Thereby the offence has been committed.
4. Learned counsel for the applicants would submit that the applicant Nehruram Nagesh was only engaged in transporting the cattle from one village to other on Rs.200/- and no crime has been committed. He would further submit that the applicant Chandrika Prasad was the owner of the cattle and no evidence is on record that the cattle were meant for transportation to the slaughter house. Therefore, the applicants may be given the benefit of anticipatory bail.
5. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and would submit that the applicant Nehruram Nagesh fled away from the scene whereas the applicant Chandrika Prasad also is absconding, therefore, the investigation could not be carried out.
6. Considering the fact that both the applicants are absconding, therefore, it is not a case where the benefit of Section 438 of CRPC can be granted.
7. Accordingly, both the anticipatory bail applications are dismissed.

Sd/-
Goutam Bhaduri
Judge