

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 606 of 2021**

- Shendar Vashudev, S/o Jafesh Vashudev, Aged About 23 Years R/o - Village - Chourenga, P.S. - Simga, District - Baloda Bazar-Bhatapara, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O.- Simga, District - Baloda Bazar-Bhatapara, Chhattisgarh

---- Respondent

For Applicant	: Shri Hemant Gupta, Advocate
For Respondent/State	: Shri BL Sahu, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

19.07.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.179 of 2021 registered at Police Station Simga, District-Baloda Bazar-Bhatapara, Chhattisgarh for commission of offenses punishable under Sections 4,6,10,11,48 and 52 of Chhattisgarh Agricultural Cattle Preservation Act, 2004 (for short, 'Act,2004') and Sections 49, 49 and 50 of Prevention of Cruelty to Animal Act, 1960 (for short, 'Act, 1960').
2. Case of the prosecution, in brief, is that, on receiving secret information, Police made a raid at village Chauranga and found that few persons were loading animals on truck bearing No.CG04-JC-0273 and CG04-JB-7030. Upon looking to the Police, persons who were present there fled away from the spot, except co-accused Samit Vasudev, who was arrested. Police found some animals being loaded in vehicles. Based on memorandum statement of Samit Vasudev, instant crime was registered against present applicant and drivers of two trucks.

3. Anticipatory bail application filed before the Court below was rejected by impugned order.

4. Shri Hemant Gupta, learned counsel for the applicant submits that applicant was neither present on the spot nor involved in the instant crime. Only on the basis of memorandum statement of co-accused Samit Vasudev, he has been falsely implicated in the instant crime. He further submits that maximum punishment for the offense punishable under Section 10 of the Act, 2004 is of three years only. Applicant will cooperate with the investigation and will appear before the investigating agency on each and every date. Hence, present applicant may be enlarged on bail.

5. On the other hand, Shri Vimlesh Bajpai, learned Government Advocate and Shri Sudheer Sahu, learned Panel Lawyer for the State opposing the submissions of learned counsel for the applicants, submit that on receipt of secret information, Police reached on the spot, found the animals being loaded in two trucks; two persons fled away from the spot and one Samit Vasudev was caught hold by Police; from his memorandum statement, present applicant is very much there in the instant crime and he is not entitled for benefit under Section 438 of CrPC.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations, nature of offenses as alleged against present applicant under the provisions of Act, 2004 and Act, 1960, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- b) 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;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) 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.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE