

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 745 of 2021

1. Basant Yadav, S/o Kesan Ram Yadav, Aged About 32 Years, R/o Village Bhandartoli Sutri Tahsil Bagicha, District Jashpur Chhattisgarh
2. Taneswar Yadav S/o Bhuneswar Yadav Aged About 40 Years R/o Ramsamma Tahsil Bagicha, District Jashpur Chhattisgarh
3. Rupesh Kumar S/o Budhu Ram Aged About 32 Years R/o Village Darrapara, Saranga, Tahsil Sitapur, District Jashpur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police In Charge Of P. S. Bagicha, District Jashpur Chhattisgarh

---- Respondent

And

MCRCA No. 833 of 2021

- Lalit Yadav, S/o Keshar Yadav, aged about 26 years, Caste-Mahkul, Village Sutri, Tahsil and Thana-Bagicha, District Jashpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police In Charge Of P. S. Bagicha, District Jashpur Chhattisgarh

----Respondent

For Applicants	: Shri Sanjay Agrawal, Advocate
For Respondent/State	: Shri BP Banjare, Dy GA

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

03.08.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicants as they apprehend their arrest in connection with Crime No. 25 of 2021 registered at Police Station Bagicha, District Jashpur Chhattisgarh for commission of offenses punishable under Sections 4, 6 and

10 of Chhattisgarh Agricultural Cattle Prevention Act, 2004 (Amendment in 2011) (for short, 'Act of 2004').

2. Case of the prosecution, in brief, is that, Sub-Inspector of Police Station Bagicha while on patrolling duty on 29.01.2021, received secret information that some persons have taking cattle to slaughter house. Based on the information received, Police went to spot and intercepted persons who were taking 7 agriculture cattles and asked them with regard to documents, but they failed to show any document. Applicants were arrested on 05.12.2020 at about 18.30 hours and released by the Police. Thereafter, they are again apprehending their arrest in the instant crime.

3. Applicants, apprehending their arrest, filed this anticipatory bail application after rejection of their application by the Court below.

4. Shri Sanjay Agrawal, learned counsel for the applicants submits that when the Police intercepted them while carrying agriculture cattle which were for their own use, they purchased cattles and taking them to their village/house, they have shown the documents to Police Personnel. It is also submitted that after their arrest, the applicants were released on bond. Subsequently, FIR was registered on 29.01.2021 ie after about more than one month of alleged crime, Police persons are harassing present applicants for arresting them in instant crime, hence they may be enlarged on anticipatory bail under Section 438 of CrPC.

5. On the other hand, Shri BP Banjare, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits

that applicants are involved in commission of alleged crime under provisions of the Act of 2004. He further submits that as per secret information received by the Police that applicants were taking agriculture cattle to slaughter house, Police intercepted and applicants were arrested. However, upon putting a query to learned counsel for the State with regard to proceedings of releasing applicants from Police Station after their arrest on 05.12.2020 as mentioned in FIR, learned State counsel submits that after their arrest, applicants were released under provisions of Section 41(1) of CrPC.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against the applicants, and the fact that applicants were released by Police earlier, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicants.

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

- a) That the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;

- b) That the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma