

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 889 of 2021**

- Saheb Lal Kurre, S/o Shri Dharmu Kurre, Aged About 47 Years, R/o Village-Pendri, Police Station- Masturi, Civil And Revenue District- Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station-Pachpedi, Civil And Revenue, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Shri Parasmani Shriwas, Advocate
For Respondent/State	: Shri Shrikant Kaushik, Panel Lawyer

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

04.08.2021

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. 147 of 2021 registered at Police Station Pachpedi, Chhattisgarh for commission of offense punishable under Section 429 of IPC and 4, 6 and 10 of CG Agriculture Cattle Preservation Act, 2004 and Section 3 and 11(2) of Prevention of Animals from Cruelty Act.
2. Case of the prosecution, in brief, is that, Police received secret information on 23.06.2021 that on Truck bearing No.HRQ 3253, cattles are being transported illegally and the Truck is moving from Masturi to Jondra. It was also intimated that in front of said Truck, one Car CG 0267 was also running, showing the route. Based on secret information, Police intercepted Truck and Car. Upon search of Truck, Police found 42 numbers of cattle (Bulls), out of which 3 cattle were found dead. Based on the seizure, instant crime was registered against eight persons, including present applicant. Three persons were arrested from the spot.

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

4. Shri Parasmani Shriwas, learned counsel for the applicant submits that applicant has been implicated falsely in this crime, he is not related in any manner in transporting cattle illegally, as alleged. He further submits that as per the case diary, name of present applicant has come in memorandum statement of Driver of Truck and apart from it, there is no material to connect the applicant with crime.

5. On the other hand, Shri Shrikant Kaushik, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that based on secret information, Truck was intercepted and Police found 42 agriculture cattles (Bulls) being transported from Masturi to Jorda, out of these, three Bulls were found dead. He submits that memorandum statement of three persons were recorded including Driver of Truck, by which cattles were being transported illegally. In memorandum statement of driver of Truck, name of present applicant is mentioned. However, upon asking with regard to memorandum statement of other persons, he submits that no other memorandum statement is available in case diary.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against the applicant, the fact that present applicant's name has come only in memorandum statement of Driver of Truck on which cattle are being transported illegally, there is no memorandum statement in case diary as

stated by learned State counsel, without commenting anything on merits of case, 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