

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1042 of 2021**

Loknath Pawle S/o Shani Ram Pawle Aged About 50 Years
Caste - Gond, R/o Village Lavkaspur, P.S. Kusmi, Tahsil
Kusmi, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant**Versus**

The State of Chhattisgarh Through the Police Station Bagicha,
District Jashpur Chhattisgarh.

---- Non-applicant

For Applicant : Mr. A.K. Prasad, Advocate

For Non-applicant/State : Mr. Vaibhav Singh, Panel Lawyer

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**01.09.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No. 87 of 2021 registered at Police Station Bagicha, District Jashpur (C.G.), for offence punishable under Sections 4, 6, 10 of the Chhattisgarh Agriculture Cattle Preservation Amendment Act, 2011 and Section 11 D of the Prevention of the Cruelty to Animals Act, 1960.
2. Case of the prosecution, in brief, is that, on 07.04.2021, Police received a secret information that some persons were taking agricultural cattle to slaughter house. Based on secret information, Police intercepted the person along with cattle on the road in night at 3.30 A.M. Upon seeing Police, two persons ran away from the spot and Police arrested six persons along with 37 cattle. Based

on recovery and arrest of persons with animals, First Information Report was registered against six arrested persons, present applicant and one another co-accused person, by name, Nanku Yadav.

3. Mr. A.K. Prasad, learned counsel for the applicant would submit that applicant was not arrested on the spot and he has been falsely implicated in the case. Applicant is not named in First Information Report. He further submits that other six co-accused persons have been enlarged on regular bail by the Court of Sessions and charge-sheet has already been filed, hence, applicant may be enlarged on anticipatory bail.
4. Per contra, Mr. Vaibhav Singh, Panel Lawyer for the State opposing the submissions made by learned counsel for the applicant, would submit that when Police reached on the spot and intercepted the person along with cattle on the road, present applicant along with Nanku Yadav taking benefit of dark night fled away from the spot and six persons were arrested. He further submits that applicant is named in First Information Report, who is also having three criminal antecedent against him; the last of the year 2017 and three cases were registered against him of preventive nature, hence, applicant is not entitled for the benefit under Section 438 of Cr.P.C.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations, the fact that after looking to the Police, applicant ran away from the spot, he has been named in First Information Report, which was registered

immediately after arrest of co-accused persons, I do not find it to be a fit case to enlarge the applicant on anticipatory bail.

7. Accordingly, anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh