

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1036 of 2021

- Waris Kuraishi @ Shanu, S/o Shri Mohammad Salim, aged about 27 years, R/o Raja Talab, Nurani Chauk, Raipur, Police Station – Civil Line, Civil & Revenue District – Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police Station – Pachpedi, Civil & Revenue District – Bilaspur (C.G.)

---- Non-applicant

For Applicant	:	Shri Paras Mani Shrivastava, Advocate.
For Non-applicant/State	:	Shri Vaibhav Singh, Panel Lawyer.

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

01.09.2021

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 147 of 2021 registered at Police Station Pachpedi, District Bilaspur (C.G.) for the offence punishable under Sections 429 of Indian Penal Code and Sections 4, 6, 10 of Chhattisgarh Agricultural Cattle Preservation Act, 2004 and Section 3, 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. Shri Paras Mani Shrivastava, learned counsel for the Applicant would submit that the Applicant has been implicated falsely in this crime, he is not related in any manner in transporting cattle illegally nor was found travelling on the alleged Truck on which the cattle were being transported. Name of the Applicant has come in the memorandum statement of the co-accused who is driver of the Truck.
4. On the other hand, Shri Vaibhav Singh, learned State counsel opposing the submissions of learned counsel for the Applicant, submits that based on secret information, Truck was intercepted and Police found 42 agriculture cattle (Bulls) being transported from Masturi to Jondra, out of these, 3 Bulls were found dead. He submits that the name of the Applicant has been stated by driver of the Truck at the time of his arrest based upon which the FIR was registered against the present Applicant also.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of crime, the allegation levelled against the present Applicant facts and circumstances of the case. Further, that the co-accused Saheb Lal Kurre, similarly situated has been enlarged on bail in MCRCA No. 889 of 2021 vide order dated 04.08.2021, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the Applicant.
7. Accordingly, application is allowed and it is directed that in the event of arrest of Applicant in connection with the crime in question (147/2021), 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/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

- (i) that the applicant shall make himself available for interrogation before the investigation Officer as and when required;
- (ii) 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;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) 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.

Sd/-
(Parth Prateem Sahu)
Judge