

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1180 of 2021**

- Ikbal Qureshi S/o Jabir Qureshi Aged About 42 Years R/o Village Uchari, District Gadhwa (Jharkhand)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Ramanujnagar, District Surajpur Chhattisgarh

---- Respondent

For Applicant	: Shri Anil Gulati, Advocate
For Respondent/State	: Shri Shrikant Kaushik, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**27.09.2021**

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. 100 of 2021 registered at Police Station Ramanujnagar, District-Surajpur, Chhattisgarh for commission of offenses punishable under Sections 11(1) (घ) of Cruelty to Animal Act, 1960 and Sections 4, 6 and 10 of CG Krishak Pashu Parirakshan Adhiniyam, 2004 and Sections 39 and 66 of 192 of Motor Vehicles Act, 1988.

2. Case of the prosecution, in brief, is that, on 09.06.2021, when the accused persons including applicant were loading agriculture cattle on a truck, members of Gorakshak Samiti came there and objected, upon which they started quarreling with Samiti members. Samiti members intimated the fact of loading agriculture cattle on Truck to concerned Police Station. When Police reached on the spot, looking to them, all accused persons present there ran away. Agriculture cattle and truck were seized from the spot. During the search of Truck, Police recovered one handmade Pistol (Desi Katta) and

thereafter, aforementioned crime was registered for the offenses mentioned therein, against 9 persons.

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

4. Shri Anil Gulati, learned counsel for the applicant would submit that applicant has been arrayed as accused being registered owner of Truck, on which, allegedly, agriculture cattle were being loaded. He submits that applicant as registered owner of Truck, does not travel along with Truck. It is driver goes for loading of goods. He further submits that applicant is not among other accused persons present with the truck and offence under Section 25 of Arms Act would not be attracted against him. There is no criminal antecedents against applicant, hence, he may be enlarged on anticipatory bail.

5. On the other hand, Shri Shrikant Kaushik, learned counsel for the State opposing the submissions of learned counsel for the applicants submits that though name of present applicant has not been specifically mentioned in FIR, it is mentioned that 9 persons, which includes present applicant, Owner of vehicle. He is not entitled for anticipatory bail. However, he submits that in case diary, there is no mention of past criminal antecedents against applicant.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against applicant; facts and circumstances of case, he is registered owner of

vehicle, 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 him/her 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/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE