

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1602 of 2020**

1. Sadhelal Tandan S/o Shri Gendu Tandan, aged about 35 years, R/o village Kesharwadih, Thana - Jarhagaon, District Mungeli (C.G.)
2. Rajesh Kumar Ratre @ Pintu Ratre S/o Shri Bedu Ratre, aged about 28 years, R/o village Limha, Thana - Takhatpur, District Mungeli (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh - Through : the Station House Officer, Police Station Jarhagaon, District Mungeli (C.G.)

---- Respondent

For Applicants	:	Mr. Sunil Sahu, Advocate.
For Respondent.	:	Ms. Ishwari Gritlahre, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01/04/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicants who are apprehending their arrest in connection with Crime No.236/2020 registered at Police Station - Jarhagaon, District Mungeli (C.G.) for commission of the offence punishable under Section 11(1)(d) of Prevention of Cruelty to Animals Act 1960 (for short 'the Act') and Sections 4, 6 and 10 of the Chhattisgarh Krishak Pashu Parirakshan Adhiniyam, 2004 (for short 'the Adhiniyam').
2. The prosecution story, in brief, is that the Sub Inspector posted at Police Station - Jarhagaon, after receiving information about smuggling of cattle, reached near Kesharuwadih check dam along with staff and inquired from

the witnesses then he came to know that the applicants were loading agricultural animals in the truck for slaughterhouses. The applicants, after seeing police, fled from the spot and one Sumo vehicle, motorcycle and one truck in which 17 numbers of buffalo were kept, have been seized by the police. Based on this, offence has been registered against the applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that except the statement of witnesses Govind Tandan and Rajkumar that they were present at check dam of village and informed the police that applicants were loading the buffalo in, there is no material evidence against the present applicants. Only on the basis of statement of seizure witnesses, the applicants have been implicated in the crime. He also submits that no offence under Section 11(1)(d) of the Act and Section 4,6 and 10 of the Adhinyam is made out as there is no seizure from the applicants. Therefore, the present applicants may be extended benefit of anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, further considering the quality of evidence and nature of allegation against the applicants, without commenting anything on merit of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs.50,000/- each with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
- (i) that the applicants shall make themselves available for interrogation/medical examination before the concerned investigating officer as and when required;
 - (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) 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.

Sd/-

(Rajani Dubey)
Judge