IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 57393 of 2023

BETWEEN:-

MOHAMMAD SALIM S/O MOHAMMAD HUSSAIN KHAN, AGED ABOUT 35 YEARS, OCCUPATION: LABORER 766, NANDA NAGAR, INDORE, AT PRESENT:- NEAR MADARPURA, BUS STAND, MANDSOUR DISTRICT MANDSOUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI ANOPAM CHOUHAN - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION SENDHWA GRAMIN, DISTRICT BARWANI (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI SAGAR MULEY - PP)

This application coming on for admission this day, the court passed the following:

ORDER

This is first application under Section 439 of the Cr.P.C. filed on behalf of the applicant in connection with Crime No.34/2023 registered at Police Station Sendhwa Gramin, Distt. Barwani (M.P.) under Sections 34(2) of Excise Act, Sec.4,6,9 of MP Govansh Pratished Adhiniyam, 2004, u/S.11 of Prevention of Cruelty to Animals Act, 1960, Sec.6(a), 6(b)(1), 7,10 of MP Agriculture Cattle Preservation Act, 1959.

The prosecution case is that on a secret information, a trap was conducted on AB Road. On seeing the trap party, the vehicle was stopped and

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the driver has ran away from the spot. On checking the alleged loading vehicle it was found that 12 cattle tied with rope and 01 cattle was in dead state, and two white coloured plastic cans containing raw Mahua liquor 30 litres and 25 litres each totalling of 55 litres was found inside the vehicle.

Counsel for applicant submits that the applicant is neither registered owner of the vehicle nor he was caught at the spot. The registered owner of the vehicle is one Rajendra Kumar Khandelwal.

Counsel for State opposed the prayer and submits that in the memorandum u/S.27 of Indian Evidence Act, the applicant has stated about commission of the offence and there is one criminal record of similar nature against the applicant.

After hearing learned counsel for parties and taking into consideration that there is no any material except the statement of the present applicant u/S.27 of the Evidence Act, the criminal record which has been shown by the applicant registered in State of Maharashtra does not prove prove at this stage that the case is against the present applicant. The investigation has been completed, charge sheet has been filed. No further custodial interrogation is required.

In view of the aforesaid, I am of the view that the applicant is entitled for grant of bail. Therefore, without expressing any view on the merits of the case, the application is allowed.

It is directed that Applicant shall be released from custody upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety of the like amount to the satisfaction of the Ld. Court below.

It is further made clear that if it is found that the applicant is involved in any other case during the trial, this bail order shall stand cancelled

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automatically without reference to the Court and the Police will be at liberty to arrest the applicant.

A typed copy of this order is being forwarded to the Office of the Advocate General, on their email address, for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the Ld. Court below.

(VIJAY KUMAR SHUKLA)
JUDGE

VM

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