

HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE

M CR C No. 44352 / 2021  
BABU AND ANOTHER Vs. STATE OF MP

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INDORE, Dated : 20/10/2021

**Heard through video conferencing.**

Mr. Siddharth Jain, learned counsel for the applicants.

Mr. Shashwat Seth, learned PL for the respondent – State.

This is first application under Section 439 of the Code of Criminal Procedure, 1973 filed on behalf of the applicants – Babu and Shahid Alias Lala, for grant of bail. The applicant is implicated in connection with Crime No.244/2021 registered at Police Station- Baghana, Distt. Neemuch (MP) for commission of offence punishable under Section 4, 6 and 9 of the M. P. Govansh Pratishedh Adhiniyam read with Sec. 8 and 11 of the Prevention to Cruelty to Animals Act. The applicant are in custody since 10/08/2021.

As per prosecution story, on 10/8/2021, during patrolling, Police received discreet information and acting upon the said information, Police intercepted vehicle bearing registration No. MP14 CJ 1690 coming from Nimbahera side and recovered seven cow progeny. The vehicle was driven by applicant – Babu and co-accused Shahid Alias Lala was sitting adjacent to the Driver. During investigation it was found that cow progeny was carried for the purpose of slaughter and both the applicants did not produce any relevant documents regarding the cow progeny. Accordingly, offence has been registered against the present

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applicants.

Learned counsel for the applicants submits that the applicants are innocent person and have been falsely implicated in this case. They were not present at the time of incident. Applicants are permanent resident of District Mandsaur. Applicants are in custody since 10/8/2021. Investigation is over and challan has been filed. Final conclusion of the trial is likely to take sufficiently long time. He, therefore, prays that applicants be released on bail.

Per contra, learned Government Advocate for respondent – State opposes the bail application and prays for its rejection y submitting that both the applicants have one criminal antecedents.

Considering the facts and circumstances of the case, nature and gravity of the allegation and the prima facie evidence available on record, taking note of the fact that all the offences are triable by Judicial Magistrate First Class, challan has been filed and trial will take considerable long time for its final conclusion, without commenting upon the merits of the case, I deem it proper to release the applicants on bail.

Accordingly, the application filed by the applicants is allowed. The applicants are directed to be released on bail on their each furnishing personal bond in the sum of Rs.60,000/- (Rupees Sixty thousand only) with one solvent surety of the like amount each to the satisfaction of the trial

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Court for their regular appearance before the trial Court during trial with a condition that they shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

Before releasing the applicants from custody, the jail authorities are directed to medically examine them in order to rule out the possibility of COVID-19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No.1/2020.

Certified copy as per rules.

(ANIL VERMA)  
J U D G E

**KR**