

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 5th OF AUGUST, 2022

MISC. CRIMINAL CASE No. 34671 of 2022

Between:-

**RAMA BHIL S/O GAJIYA, AGED
ABOUT 55 YEARS,
OCCUPATION: LABOUR, R/O
GRAM KHIRALA TEHSIL
PANDHANA DISTRICT
KHANDWA (MADHYA
PRADESH)**

.....APPLICANT

***(SHRI SHYAM SINGH TANWAR, LEARNED COUNSEL FOR THE
APPLICANT)***

AND

**THE STATE OF MADHYA
PRADESH STATION HOUSE
OFFICER THROUGH POLICE
STATION RINGNOD DISTRICT
RATLAM (MADHYA PRADESH)**

.....RESPONDENT

***(SHRI VISMIT PANOT, LEARNED PL APPEARING ON BEHALF OF
ADVOCATE GENERAL)***

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

O R D E R

This is the first bail application under Section 439 of the Code of Criminal Procedure, 1973 filed on behalf of the applicant for grant of bail. The applicant is in custody since 23/05/2022 in connection with Crime No.172/2022 registered at Police Station – Ringnod, District Ratlam (M.P.) for commission of offence punishable under Section 4, 6, 6-A, 6-B and 9 of M.P. Govansh Vadh Pratishedh Act and Section 11-D of Pashu Cruelty Act read with Section 34(2) of the M. P. Excise Act and 66/92 and 81/177 of the Motor Vehicles Act.

As per prosecution story, on 23/05/2022 the police recovered 60 Bulk litres country made liquor along with 14 cattle in a truck bearing registration number RJ-50-GA-9000. The police registered a crime against the applicant and co-accused persons under the provisions stated herein above.

Learned counsel for the applicant contended that applicant is innocent and has been falsely implicated in this offence. He is in custody since 23/05/2022. There is no legal evidence available on record to connect the applicant with the aforementioned offence. He has been made accused only on the basis of the memorandum of co-accused person given under Section 27 of the Evidence Act but nothing has been recovered from the possession of the present applicant. He is not the registered owner of the said vehicle. Co-

accused persons namely Vakil and Omprakash have already been enlarged on bail by this Court in similar circumstances *vide* order dated 11/07/2022 passed in M.Cr.C.No.29792/2022 and final conclusion of trial shall take sufficient long time. Under the above circumstances and also looking to the parity with the co-accused persons, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

Per-contra, learned counsel for the respondent – State opposes the bail application and prays for its rejection. However, he fairly admits that the applicant has no criminal antecedent.

Perused the impugned order of the trial Court as well as the case dairy.

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation and also taking note of the fact that main accused Vakil and Omprakash who were caught on the spot with the cattle by the police have been enlarged on bail by this Court; applicant has been made accused only on the basis of memorandum given by the co-accused but nothing has been recovered from his possession; he is not the registered owner of the vehicle; he has no past criminal background and possibility of delay in conclusion of the trial cannot be ruled out. In these circumstances, I deem it proper to release the applicant on bail. Therefore, without commenting on the merits of the case,

the application is allowed.

It is directed that applicant be released on bail on his furnishing personal bond in the sum of **Rs.75,000/- (Rupees Seventy Five Thousand Only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by all the conditions enumerated under Section 437(3) Cr.P.C.

Certified copy as per rules.

(ANIL VERMA)
J U D G E

Tej