

HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE

M. Cr. C. No.3959/2022
(Hafij S/o Rafiq Kha Vs. State of M. P.)

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Indore, dated 24/01/2022

Heard through Video Conferencing.

Shri G. P. Singh, learned counsel for the applicant.

Shri Pranay Joshi, learned Panel Lawyer for the respondent / State.

This is the first bail application filed under Section 439 of Cr.P.C for grant of bail to the applicant, as he has been arrested in connection with Crime No.149/2021, registered at Police Station Sarangpur, District Rajgarh (M.P.) for commission of offence punishable under Sections 4, 6 and 9 of M. P. Govansh Vadh Pratishedh Adhiniyam, 2004 read with Section 11 of Prevention of Cruelty to Animals Act, 1960.

Prosecution story, in brief, is that the applicant along with other co-accused persons slaughtered cow progeny animals cow and calf in a cruel manner and thereafter, sold the meat of the same.

Learned counsel for the applicant submits that applicant has been made accused on the basis of memorandum statement of co-accused persons and seizure of sharp weapon from which the animals were said to be slaughtered. Seizure witnesses have not supported the prosecution story. There is no legal evidence against the applicant. Applicant is in jail since 02/07/2021, the trial will take time for its conclusion Hence, prayer is made to enlarge the applicant on bail.

Learned counsel for respondent/State opposes the application and submits that the applicant have criminal antecedents and about 13

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criminal cases are registered against him, out of which 03 cases are of similar nature.

Having considered the rival submissions, material produced on record and the nature of allegations alleged against the applicant and also considering other facts and circumstances of the case, this Court is of the view that the applicant deserves to be enlarged on bail. Hence, without commenting anything on the merits of the case, the application is allowed.

It is directed that the applicant be released on bail upon his furnishing personal bond in the sum of **Rs.40,000/- (Rupees Forty Thousand Only)** with a solvent surety in the like amount to the satisfaction of the concerned Court for his appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial. It is further directed that applicant shall comply with the provisions of Section 437 (3) of Cr. P. C.

In view of the outbreak of 'Corona Virus Disease (COVID-19)' the concerned Jail Authority is directed to follow the directions/ guidelines issued by the Government with regard to COVID-19 before releasing the applicant.

This M.Cr.C. stands allowed and disposed of.

Certified copy as per rules.

(SATYENDRA KUMAR SINGH)
J U D G E