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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE ANIL VERMA**

ON THE 25th OF MAY, 2023

MISC. CRIMINAL CASE No. 22726 of 2023

BETWEEN:-

**MAHESH S/O KUSHALCHAND SOLANKI, AGED ABOUT
40 YEARS, OCCUPATION: LABOR R/O SATYANARAYAN
COLONY NARSINGHPRUA DISTT. MANDSAUR
(MADHYA PRADESH)**

.....APPLICANT

(SHRI HARSHVARDHAN PATHAK, ADVOCATE)

AND

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

.....RESPONDENTS

(SHRI HEMANT SHARMA, GOVT. ADVOCATE)

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

ORDER

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail relating to Crime No.892/2022 registered at P.S., Sendhwa Rural, District Barwani (M.P.) for commission of offence punishable under Section 34(2) of M.P. Excise Act, 4, 6, 9 of M.P.Govansh Vadh Pratishehdh Adhiniyam and 11D of Prevention of Cruelty to Animals Act and under section 6A, 6B(1), 10 of Krishik Pashu Parirakshan Act.

As per prosecution story, on 2.12.2022 Police has received information

that one loading vehicle would be coming from Sendhwa side loaded with illegally cow dynasty. After some time a vehicle was seen coming. The driver stopped the vehicle and fled away. On search total 34 cows and bulls were illegally loaded and two plastic cans containing 70 bulk litres of hand made liquor was recovered. Accordingly, a case has been registered.

Learned counsel for the applicant submits that applicant is innocent and being driver of the vehicle, he has been falsely implicated in this matter, but nothing has been recovered from his possession. The applicant is in jail since 10.5.2023. Investigation is over and charge sheet has been filed and no further custodial interrogation is required. He is a permanent resident of District Mandsaur. Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

Per-contra, learned counsel for respondent/State opposes the bail application and prays for its rejection by submitting that three criminal antecedents of similar nature have been registered against the present applicant, therefore, he is not entitled for grant of bail.

Perused the impugned order of the court below.

Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that the applicant is the driver of the vehicle and is in jail since 10.5.2023, investigation is over, charge sheet has been filed and no further custodial interrogation is required, offence is exclusively triable by JMFC and final conclusion of trial will take considerable long time, I deem it proper to release the applicant on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon

his furnishing a personal bond in the sum of **Rs.75,000/- (Rs. 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 the conditions enumerated u/S. 437(3) Cr.P.C.

Certified copy as per rules.

(ANIL VERMA)
V. JUDGE

patil

