

**M.Cr.C. No.7102/2012****31.10.2012**

Shri A.K. Saraswat, learned Counsel for the applicant.

Shri Deepak Rawal, learned Govt. Advocate for the respondent/State.

By this application filed under Section 439 of the Cr.P.C. applicant Akbar Khan has moved the application for grant of bail being implicated in Crime No.373/2005 registered by police station Pachore, Distt. Rajgarh(Biaora) for offence under Section 11(k) Animal Cruelty Act.

Counsel for the applicant has vehemently urged the fact that the applicant has been falsely implicated in the matter. Moreover, Counsel submitted that the applicant has been granted bail earlier and he has not misused the liberty granted to him in the year 2005, however he remained absent on a single occasion and has to pay the consequence now. The applicant is likely to deteriorate in custody since he has been arrested on 28.08.2012. Hence Counsel prayed for grant of bail.

Counsel for the respondent/State, on the other hand, has opposed the submissions of the Counsel for the applicant. He, however, candidly admitted that there was no other criminal case recorded against the applicant. Counsel prayed for dismissal of the application.

On considering the above submissions, the impugned order and material available in the case diary and looking to the nature of allegations and fact that the

applicant is in jail since 28.08.2012, I find that application needs to be allowed in the interest of justice. The application is , therefore, allowed.

However, stringent measures need to be imposed, therefore, it is ordered that the applicant be released on bail on his furnishing a bail bond for a sum of **Rs.25,000/-** (*Rupees Twenty Five Thousand only*) with one surety of like amount to the satisfaction of the Trial Court for his appearance before the concerned trial Court on all dates of hearing as may be fixed by the Trial Court in this behalf during the pendency of trial.

By way of abundant caution, it is further directed that he shall also mark his presence in the concerned police station on the first **Sunday of every month** between 10.00 a.m. to 12.00 noon during pendency of the trial. Any default in attendance in court and marking presence in the concerned police station, would result in cancellation of bail granted by this Court thereby entitling the police to take the applicant in custody immediately.

It is also directed that the applicant shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

Cc. as per rules.

**(Mrs. S.R. Waghmare)**  
**Judge**

Jyoti