

HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.34632/2018

(Banshilal & Anr. vs. State of MP)

Indore: Dated:-31/08/2018:-

Shri Abhay Saraswat, learned counsel for the petitioners.

Shri Bhuwan Deshmukh, learned Public Prosecutor for the respondent/State.

Heard with the aid of case diary.

ORDER

As per statement made by the accused/petitioners, this is the first bail application under Section 439 of Cr.P.C. before High Court in connection with Crime No.281/18 under Section 429 of IPC and 4, 6 & 9 of M.P. Gowansh Pratishedh Adhiniyam and Section 3/181 of Motor Vehicles Act registered at Police Station – Ingoriya, District-Ujjain.

2. It is submitted by the learned counsel for the petitioners that the petitioners are innocent and have falsely been implicated in the present case. There is no evidence against them. Conclude of trial is likely to take time. The petitioners are permanent resident of district Jhalawad (Raj.). There is no possibility of their absconding. They are ready to furnish adequate security.

3. The Prosecution has opposed the bail application.

4. According to the prosecution case, that on 05/08/2018 when vehicle truck bearing registration No.M.P.09 H.G. 1536 was trapped and searched by the police, it was found that

total 12 cow progeny were being transported towards Maharashtra for the purpose of slaughtering. Out of 12, 2 cow progeny were found dead.

5. As submitted by the learned counsel, the petitioners were not present on the spot. They are arrested after 2 days of the incident alleging that Banshilal is the registered owner of the vehicle and Rais Khan was the driver.

6. The accused are in custody since 07/08/2018. Investigation is over and charge sheet has already been filed. Trial is likely to take time.

7. In view of the aforesaid and other facts and circumstances of the case, I deem it proper to release the accused on bail. Therefore, without commenting on merits of the case, the application is allowed.

8. It is directed that the petitioners **Banshilal and Rais Khan** be released from custody on their furnishing personal bond in the sum of **Rs. 40,000/- (Rs. Forty Thousand)** with **one** solvent surety of the like amount to the satisfaction of the Trial Court for their appearance before the Trial Court as and when required further subject to the following conditions:

- (i) The petitioners shall co-operate in the trial and shall attend the trial Court during the trial;
- (ii) The petitioners shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade them from disclosing such facts of the Court;
- (iii) The petitioners shall not commit any offence or

involve in any criminal activities;

(iv) In case, involvement in any other criminal activity is found, the bail granted in this case may also be cancelled.

(Virender Singh)
Judge

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