

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

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 30th OF AUGUST, 2022

MISC. CRIMINAL CASE No. 40852 of 2022

Between:-

**IKLAKH KHAN S/O MOHAMMAD KHAN,
AGED ABOUT 35 YEARS, OCCUPATION:
KHETI UJJAIN ROAD, AGAR (MADHYA
PRADESH)**

.....PETITIONER

***(SHRI YOGESH PUROHIT, LEARNED
COUNSEL FOR THE PETITIONER.)***

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION KHACHROD (MADHYA
PRADESH)**

.....RESPONDENTS

***(PROXY COUNSEL SHRI VIRAJ GODHA PL
APPEARING ON BEHALF OF ADVOCATE
GENERAL.)***

*This application coming on for order 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 in connection with Crime No.328/2022 registered at P.S -Khachrod, District- Ujjain (M.P.) for commission of offence punishable under Sections 4, 6 9 of MP Gowansh Pratished Adhiniyam, section 10, of M.P. Krushak Pashu Parirakshan Adhiniyam, and section 11(1)(gha) of M.P. Animal Cruelty Act, 1990 and section 34(2) of M.P. Excise Act.

As per prosecution story, on 06/06/2022, the police received discreet information from the informer regarding illegal transpiration of liquor and cattle. Acting upon the said information, the police intercepted the vehicle having no number and recovered 10 cattle and 60 bulk literes country made liquor from the co-accused Gafar and present applicant. Accordingly, the aforementioned offence was registered and he was arrested.

Learned counsel for the applicant contended that applicant is innocent and has been falsely implicated in this offence. There is no legal evidence available on record to connect the applicant with the aforementioned offence. He has no criminal background. He was only registered owner of in the said vehicle. The alleged offence is exclusively triable by JMFC. He is in custody since 03/08/2022. He is a permanent resident of District- Ujjain. There is no apprehension of his fleeing away from the court of justice. . Final conclusion of trial shall take sufficient long time. Co-accused Shaukat has already been enlarged on bail by this Court vide order dated 25/07/2022 passed in MCRC no. 32805/2022. Under the above circumstances, prayer for grant of bail may be considered on such terms and conditions, as this Court deems fit and proper.

Per-contra, learned PL for respondent – State opposes the bail application and prays for its rejection, however, fairly admits that the applicant has no criminal background, but some criminal history has been against co-accused.

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

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature of allegation as also taking note of the fact that present applicant is only the registered

owner of the said vehicle; the alleged offence is exclusively triable by JMFC. he is in custody since 03/08/2022; co-accused Shaukat has already been enlarged on bail by this Court and possibility of delay in conclusion of the trial cannot be ruled out, in view of the evidence available on record, I deem it proper to release the accused / 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 on his furnishing personal bond in the sum of **Rs. 70,000/- (Rs.Seventy 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.,

It is made clear that if the applicant is again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the police will be at liberty to arrest the applicant in the present case also. This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

Certified copy, as per Rules.

(ANIL VERMA)
J U D G E

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