

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

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 28th OF FEBRUARY, 2023

MISC. CRIMINAL CASE No. 7973 of 2023

BETWEEN:-

**RAJESH BAGADA S/O LAKSHMAN, AGED ABOUT
35 YEARS, OCCUPATION: LABOR R/O 415
CINTAMAN JAVASIYA DISTT. KHARGONE
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI ANAMIKA SINGH, - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
MAHESHWAR CHOCKI KAKAADDARA DISTT.
KHARGONE (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI SANTOSH SINGH THAKUR GA)

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

ORDER

Applicant has filed this second repeat bail application under Section 439 of the Code of Criminal Procedure, 1973.in connection with Crime No.463/2022 registered at P.S. Maheshwar, District Khargone (M.P.) for commission of offence punishable under Sections 4, 6, 6(a) and 9 of M.P. Govansh Pratished Adhiniyam, 2004 read with Section 11 of Prevention of Cruelty to Animals Act, 1960, Section 49A of the M. P. Excise Act and Section 429 of the Indian Penal Code, 1860.

information from the informant regarding the illegal transportation of liquor and cattle. Acting upon said information, police party reached on the spot and intercepted the pickup vehicle bearing registration No.MP-13-GA-9576. During the search of the said vehicle it has been found that 9 cattle were kept in the vehicle, out of which 7 were dead and 2 were alive and 12 bulk litres spurious liquor has also been recovered from the aforesaid vehicle. Accordingly, case has been registered against the applicant.

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. His earlier bail application was dismissed as withdrawn. Co-accused Ashik has been released on bail by this Court vide order dated 25/01/2023 passed in MCRC no. 2937/2023. Being owner of the said vehicle, the applicant has been implicated in this case., but no incriminating article has been recovered from his possession. Investigation is over and charge-sheet has been filed, therefore, no further custodial interrogation of the applicant is required.. Applicant is in custody since 17/10/2022. He is 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. 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, but fairly admits that no criminal antecedent has been found against the applicant.

Perused the impugned order of the trial Court as well as the case

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 the applicant is in custody since 17/10/2022; investigation is over and charge-sheet has been filed, therefore, no further custodial interrogation of the applicant is required; the alleged offence is exclusively triable by JMFC; co-accused Ashik has already been enlarged on bail 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. 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 all the conditions enumerated u/S. 437(3) Cr.P.C.,

Certified copy, as per Rules.

(ANIL VERMA)
J U D G E

amol