

(2021) 06 GUJ CK 0023

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 7528 Of 2021

Gangaram Bapu Gangude

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 03-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Prevention Of Cruelty To Animals Act, 1960 — Section 6(a)(1), 6(a)(4), 8(4), 11(1)(d), 11(1)(e)

Motor Vehicles Act, 1988 — Section 192

Citation : (2021) 06 GUJ CK 0023

Hon'ble Judges : B.N. Karia, J

Bench : Single Bench

Advocate : Sandip M Patel, J.K.Shah

Final Decision : Allowed

Judgement

B.N. Karia, J

The present application is filed under Section 439 of the Code of Criminal Procedure by the applicant for regular bail in connection with an FIR being

C.R.No.11822003210171 of 2021 registered with Vansda Police Station, District: Navsari for the offences punishable under Sections 11(1)(d) and

11(1)

(e) of Animal Cruelty Act; Sections 6(a)(1), 6(a)(4) and 8(4) of Animal Protection Act and Section 192 of Motor Vehicle Act.

Learned advocate for the applicant submits that considering the nature of allegations, role attributed to the applicant, the applicant may be enlarged on

regular bail by imposing suitable conditions.

Learned Additional Public Prosecutor appearing on behalf of the

respondent's State has opposed grant of regular bail looking to the nature and gravity

of the offence.

Having heard learned advocate for the applicant and learned APP for the respondent's State, it appears that offence is registered under Sections 11(1)

(d) and 11(1)(e) of Animal Cruelty Act; Sections 6(a)(1), 6(a)(4) and 8(4) of Animal Protection Act and Section 192 of Motor Vehicle Act. As per

the submissions made by learned advocate for the applicant, applicant is a farmer and earning livelihood of his family by doing business of animal

husbandry and the livelihood of the family of the applicant is depended on the income of selling the milk of the cow. As per the case of the

prosecution, in unhygienic condition the cattle was transported in the vehicle and for that transportation the applicant do not have certificate therefore

no question of slaughtering the animal can arose. It further appears from the record that the investigation is over and charge-sheet is also filed by

Investigating Officer, therefore there are no chances to hamper or tamper with the evidence. Reasonable time to be completed by prosecution,

therefore , presence of the present applicant is not required in the judicial custody, as no investigation is left now.

In the facts and circumstances of the case and considering the nature of allegations made against the applicant in the FIR, I am of the opinion that this

is a fit case to exercise the discretion and enlarge the applicant on regular bail.

Hence, the present application is allowed and the applicant is ordered to be released on regular bail in connection with an FIR being

C.R.No.11822003210171 of 2021 registered with Vansda Police Station, District:

Navsari on executing a personal bond of Rs.10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the

learned Trial Court and subject to the conditions that the applicant shall;

[a] not take undue advantage of liberty or misuse liberty;

[b] not act in a manner injurious to the interest of the prosecution;

[c] surrender passport, if any, to the lower court within a week;

[d] not leave the State of Gujarat without prior permission of the Sessions Judge concerned;

[e] not enter into the vicinity of District's Navsari for a period of six months;

[f] furnish latest and permanent address of residence to the Investigating Officer and also to the Court at the time of execution of the bond and shall

not change the residence without prior permission of the learned Sessions Court concerned;

The Authorities will release the applicant only if he is not required in connection with any other offence for the time being. If breach of any of the

above conditions is committed, the Sessions Judge concerned will be free to issue warrant or take appropriate action in the matter. Bail bond to be

executed before the learned Lower Court having jurisdiction to try the case. It will be open for the concerned Court to delete, modify and/or relax any

of the above conditions, in accordance with law. At the trial, learned Trial Court shall not be influenced by the observations of preliminary nature, qua

the evidence at this stage, made by this Court while enlarging the applicant on bail.

Rule is made absolute to the aforesaid extent.

This order be communicated to the applicant through Jail Authorities by the registry as well as learned Sessions Court concerned.