

(2020) 08 MP CK 0114

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 28490 Of 2020

Shakir Khan

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 24-08-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Madhya Pradesh Govansh Vadh Pratishedh Adhiniyam, 2004 — Section 4, 5, 9

Citation : (2020) 08 MP CK 0114

Hon'ble Judges : Rajendra Kumar Srivastava, J

Bench : Single Bench

Advocate : Abhijit Bhowmik, Amit Bhurak

Final Decision : Disposed Of

Judgement

This is first application filed by the applicants under Section 438 of Cr.P.C. for grant of anticipatory bail apprehending his arrest in connection with crime no. 381/2020 registered at Police Station Bina, District-Sagar for the offence punishable under Sections 4,5 and 9 of M.P. Go-Vansh Wadh Pratishedh Adhiniyam.

As per prosecution on 17.06.2020 on the basis of information the police team reached to the Ramward Bina in the house of Sufiya Khan, where some persons were selling and purchasing meat of cow (Beef), when they saw the police party they ran away from the place but 8 persons were arrested from the place and offence has been registered. During investigation present applicant has been implicated.

Learned counsel for the applicant submits that the applicant has been falsely implicated in this case without any material facts. He has no any active part in the said case. He further submits that there is no criminal past of the applicant. There is no probability of his absconding or tampering with the prosecution evidence. Therefore, learned counsel for the applicant prays for grant of

anticipatory bail to the applicant.

Learned Panel Lawyer for the respondent-State opposed the anticipatory bail.

Considering the contention of both the parties, and looking to the fact that some prima facie evidence is available on record, it is not a fit case for grant of anticipatory bail to the applicant but it is also clear that offence involved in the present case are not punishable for more than seven years of imprisonment, then, in view of the pronouncement of judgment of Hon'ble Apex Court in the case of Arnesh Kumar Vs. State of Bihar and another, (2014) 8 SCC 273, I deem fit to observe that if applicant surrender himself before the police authority then arrest must be made after satisfying necessary parameters, as mentioned in the judgment of Arnesh Kumar (Supra).

Accordingly, this bail application is hereby disposed off.

Certified copy as per rules.