

Atik Khan vs The State Of Madhya Pradesh on 16 December, 2024

Author: Dinesh Kumar Paliwal

Bench: Dinesh Kumar Paliwal

NEUTRAL CITATION NO. 2024:MPHC-JBP:62446

1
IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL
ON THE 16th OF DECEMBER, 2024
MISC. CRIMINAL CASE No. 49219 of 20
ATIK KHAN
Versus
THE STATE OF MADHYA PRADESH

Appearance:

Shri Rahul Tripathi, counsel for the applicant.
Shri Pradeep Gupta, G.A. for respondent/State.

ORDER

This is second application filed by applicant under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail relating to FIR No.338/2024, dated 15.06.2024 registered at Police Station Barghat, District Seoni (M.P.) for commission of offence punishable under Sections 4, 5, 9 of M.P. Govansh Vadh Partishedh Adhiniyam & Section 11(1)(D) of Cruelty to Animal Act & Sections 429, 34 of IPC. Applicant is in detention since 15.06.2024.

Applicant's first bail application was dismissed as withdrawn and not pressed with the liberty to renew the prayer for grant of bail after six months vide order dated 29.07.2024 passed in M.Cr.C.No.29103/2024.

2. As per the prosecution story, applicant was apprehended and one white coloured bag in which meat belonging to Cow Progeny animal was seized from his possession.
3. Learned counsel for the applicant has submitted that the applicant has not committed any offence. He is innocent. He has been falsely implicated. He had not slaughtered any animal belonging to Cow Progeny. He has no criminal background. Offence is triable by the JMFC. Therefore, it is prayed that applicant may be released on bail, pending the trial.

4. On the other hand, learned counsel for the State has opposed the prayer for grant of NEUTRAL CITATION NO. 2024:MPHC-JBP:62446 2 MCRC-49219-2024 bail to the applicant.

5. Offences are triable by Judicial Magistrate First Class. Final conclusion of the trial will take considerable time. Therefore, having taken into consideration all the facts and circumstances of the case, but without expressing anything on the merits of the case, I am of the view that it is a case in which further pre-trial detention of the applicant is not warranted. Consequently, this bail application under Section 483 of BNSS, 2023 (Section 439 of Cr.P.C., 1973) for grant of bail filed on behalf of applicant stands allowed.

6 . It is directed that applicant - Atik Khan be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 480(3) of BNSS, 2023.

7. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(DINESH KUMAR PALIWAL) JUDGE MKL