



available on record. It appears that the co-accused have already been admitted to bail by the Court below. The alleged offence does not fall within the prohibitory clause of section 497 Cr.P.C. The recovery of alleged buffalo has not been made from the exclusive possession of the present applicant as the same was found tethered near to the house of the applicant under open sky. The applicant is not previously convicted of any offence. It has been argued by the learned Addl. Prosecutor General that no extraordinary and exceptional circumstances are available for the grant of extra-ordinary relief of pre-arrest bail to applicant. No doubt, it appears so, yet no purpose shall be served if the applicant who is otherwise entitled to bail first taken into custody and then he be granted post-arrest bail. Hence, interim bail already granted to the applicant vide order dated 15.02.2022 is confirmed on the same terms and conditions.

4. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits.

CrI. Bail application stands disposed of.

**JUDGE**