

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 4951 OF 2015

Fayyaz Khan S/o Jilani Khan,
R/o Harsh Nagar, Aurangabad

...Applicant

versus

The State of Maharashtra

...Respondent

.....
Mr. K. G. Bhosale, Advocate for applicant
Mrs. M. A. Deshpande, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 14th OCTOBER, 2015

ORAL ORDER :

The applicant is booked for the offence punishable under Section 307 of the Indian Penal Code read with provisions under Section 5(1) (a) of Maharashtra Animal Preservation (Amendment) Act, 1995 and under Section 11(c)(h), 34 of the Prevention of Cruelty to Animals Act, 1960 for transporting Cows. The applicant herein alleged to have committed an offence punishable under Section 307 of the Indian Penal Code as by not obeying the instructions of the police officer, he tried to ran away from the spot with vehicle by putting life of police officer in danger.

2. It is not in dispute that the other accused who are involved in the same crime are already released on bail.

3. So far as the present applicant is concerned, though the application for grant of bail is opposed by the learned A.P.P., it is noted that, after the custodial interrogation of the applicant, it is noticed that the applicant is *prima facie* involved in the crime punishable under Section 307 of the Indian Penal Code read with provisions under Section 5(1) (a) of Maharashtra Animal Preservation (Amendment) Act, 1995 and under Section 11(c)(h), 34 of the Prevention of Cruelty to Animals Act, 1960. The live stock was auctioned, which was seized from the vehicle driven by the applicant which was transported by the applicant contrary to law.

4. So far as the offence punishable under Section 307 of the Indian Penal Code is concerned, there is no medical evidence on record. But for the applicant, who was arrested on 11/08/2015, other accused are already released on bail. In view of above, it will be appropriate, in my opinion to order the release of the present applicant as investigation appears to be complete. Hence I pass the following order.

The applicant be released on bail, upon executing the P.R. bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount, in connection with Crime No. I-97/2015 registered with Harsul Police Station, Dist. Aurangabad, for an offence punishable under Sections 307 of the Indian Penal Code read with provisions under Section 5(1) (a) of Maharashtra Animal Preservation (Amendment) Act, 1995 and under Section 11(c)(h), 34 of the Prevention of Cruelty to Animals Act, 1960.

5. The Criminal application stands allowed.

[N.W. SAMBRE, J.]