

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1836 OF 2016

1. Gani s/o Usman Qureshi,
Age : 47 years, Occu. Business
and Agriculture, R/o Gangapur,
Tq. Gangapur, Dist. Aurangabad
2. Kayyum s/o Harun Qureshi,
Age : 45 years, Occu. Agriculture,
R/o Gangapur, Taluka Gangapur,
District Aurangabad

APPLICANTS

VERSUS

1. The State of Maharashtra,
through the Superintendent of
Police (Rural), Aurangabad
2. The Police Inspector,
Gangapur Police Station,
Gangapur, District Aurangabad

RESPONDENTS

WITH

CRIMINAL APPLICATION NO. 1734 OF 2016

1. Gulam s/o Ayub Qureshi,
Age : 30 years, Occu. Business
and Agriculture, R/o Gangapur,
Tq. Gangapur, Dist. Aurangabad
2. Azaz s/o Mohammad Qureshi,
Age : 30 years, Occu. Business
and Agriculture, R/o Gangapur,
Tq. Gangapur, Dist. Aurangabad
3. Jameer s/o Mohammad Qureshi,
Age : 28 years, Occu. Business
and Agriculture, R/o Gangapur,
Tq. Gangapur, District Aurangabad

APPLICANTS

VERSUS

1. The State of Maharashtra,
through the Superintendent of
Police (Rural), Aurangabad
2. The Police Inspector,
Gangapur Police Station,
Gangapur, District Aurangabad

RESPONDENTS

Mr. Atul M. Karad, Advocate for the applicants
Mr. A.S. Shinde, A.P.P. for the respondents-State

CORAM : M.T. JOSHI, J.**DATE : 04/04/2016****ORAL ORDER :**

1. Heard both sides.
2. All the applicants in present two applications are apprehending their arrest at the hands of Gangapur Police Station, District Aurangabad in Crime No. 0061/2016, registered for the offences punishable under section 5(B), 5(C), 6, 9(A) of the Animal Preservation Act and under section 429 of the Indian Penal Code, are praying for their release on bail, in the event of their arrest.
3. Upon hearing, learned counsel for the applicants, on instructions from the applicants, submits

that the applicants do not want to press the application i.e. Cri. Application No. 1734/2016 so far as applicant No. 2 Azaz s/o Mohammad Qureshi and applicant No. 3 Jameer s/o Mohammad Qureshi therein are concerned. He, therefore, seeks withdrawal of Cri. Application No. 1734/2016 to the extent of those two applicants.

. Learned counsel for the applicants, however, submits that so far as rest of the applicants are concerned, even in the raid, it could not be shown that the cows were found at the spots where the raid had taken place and the only allegations are that the respective applicants fled away from the spots.

4. Learned A.P.P., on the other hand, submitted that the raid was carried at five places wherein at some places, live cows were found and the machine was used for slaughtering of the cows.

5. Considering the fact that no cows were found and only some flesh was found at the places where rest of the applicants were allegedly earlier present but fled away, in my view, their custodial interrogation is not required. Hence, the following order.

6. Criminal Application No. 1734/2016 as regards applicant No. 2 Azaz s/o Mohammad Qureshi and applicant No. 3 Jameer s/o Mohammad Qureshi is disposed of as withdrawn. The interim protection granted to these two applicants vide order dated 28th March, 2016 by this Court stands vacated.

7. Interim protection granted by this Court to applicant No. 1 Gulam s/o Ayub Qureshi in Cri. Application No. 1734/2016 vide order dated 28th March, 2016 and to both the applicants in Cri. Application No. 1836/2016 vide order dated 29th March, 2016 is hereby made absolute on the same terms and conditions. Their respective applications are accordingly allowed.

8. Both the applications are accordingly disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln1836-1734-2016