

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

Criminal Application No. 4510 of 2016

District : Aurangabad

Shaikh Taher s/o. Abdul Aziz
Qureshi,
Age : 36 years,
Occupation : Business,
R/o. Snehanagar, Sillod,
District : Aurangabad.

.. Applicant.

versus

The State of Maharashtra,
Through Sillod (City)
Police Station,
District : Aurangabad.

.. Respondent.

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Mr. A.S. Bangar, Advocate, for the applicant.

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 19TH AUGUST 2016

ORAL ORDER:

The applicant / accused in Crime No. 71/2016, registered at Sillod City Police Station, Taluka Sillod, District Aurangabad, for offences punishable under Sections 5A and 5B of the Maharashtra Animal Preservation Act, 1976, and under

Section 9 of the Prevention of Cruelty to Animals Act, 1960, so also under Sections 101 and 117 of the Maharashtra Police Act, by this application, is seeking pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant as well as the learned Addl. Public Prosecutor appearing for the respondent.

3. The learned Addl. Public Prosecutor opposed the application by contending that statement of Mahadu Jadhav shows that the bullocks were taken for slaughter. My attention was also drawn to the receipt which, according to the learned Addl. Public Prosecutor, shows name of purchaser which does not tally with the name of the present applicant.

4. Perused papers of investigation. The crime, in question, is registered on the basis of complaint lodged by Jagan Nalawade, Police Inspector of Police Station, Sillod. According to the informant - Police Officer, he had stopped one truck on the basis of suspicion. The said truck was found to be carrying 11 bullocks. Upon being asked, driver of the said truck informed that the bullocks belong to Taher Kasai.

5. Perused papers of investigation. Mahadu Jadhav was cleaner of the truck. Driver thereof is

arrayed as accused. The cleaner states that he heard from the driver, that the bullocks belong to Taher Kasai and Taher Kasai is the person to is leading the truck by motorcycle.

6. As against this, according to the learned Counsel for the applicant, the applicant is holding valid license for dealing in business of animals issued by the Agricultural Produce Market Committee, Pachora. My attention was drawn to the license issued by the Agricultural Produce Market Committee as well as receipts issued by the Agricultural Produce Market Committee, Nandurbar, showing purchase of 11 bullocks. Name of purchaser is shown to be Mohd. Taher Mohd. Aziz. In substance, same appears to have been issued in favour of the present applicant. Prima facie, it is found that with valid license, the applicant has purchased bullocks. Nothing is pointed out to show that those were meant for slaughter. The bullocks are already seized.

7. In that view of the matter, custodial interrogation of the present applicant is not warranted. Hence, the following order :-

(a) The application is allowed.

(b) The applicant / accused, in the above crime, in the event of his arrest, be released on bail on his

executing P.R. Bond in the sum of Rs. 10,000/- and one or more solvent sureties of the like amount.

(c) As a condition of this order, the applicant / accused shall attend concerned Police Station on every Saturday, in between 11.00 a.m. and 01.00 p.m., till filing of charge-sheet. Failure to adhere to this condition shall result in cancellation of the relief granted in favour of the applicant.

(d) The applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him / her from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence.

8. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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