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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1261 OF 2016

Riyaj Yunus Kureshi and Ors.	..Applicants.
V/s.	
State of Maharashtra	..Respondent.

Mr.Aniket Nikam i/b. Aashish Satpute for applicants.

Mr.Arfan Sait, APP for respondent-State.

Mr.S.V. Dev, PSI (Jejuri Police Station, Pune) – present.

CORAM : A.M.BADAR, J.

DATED : 3RD AUGUST, 2016

P.C. :-

1. Applicants / accused in Crime No.119/2016 for the offences punishable under section 429, 295 (A) of the Indian Penal Code and under sections 5(A), 5(B), 5(C), 9(A) of the Maharashtra Animal Preservation (Amendment) Act, 1995 (hereinafter referred to as 'the Act' for the sake of brevity) and under section 11 of the Indian Animal Protection Act, 1976 registered with Jejuri Police Station, District Pune by this application are praying for pre-arrest bail.

2. Heard the learned counsel appearing for applicants. He argued that section 429 of the Indian Penal Code is bailable whereas section 295(A) of the Indian Penal Code is not attracted in the crime in question. The learned counsel further argued that offence 5(C) of the Act is not made out from the papers of investigation. The learned counsel argued that offences punishable under section 5(B) and 5(C) of the Act are not attracted and section 9(A) of the said Act is punishable with imprisonment for one year.

3. The learned APP by drawing my attention to the papers of investigation has submitted that there is enough evidence for connecting applicants to the crime in question. He argued that there is a racket run by accused persons which is involving transportation of cow and its progeny for slaughtering in contravention of the provisions of the Animal Protection Act, 1976. The learned APP further argued that evidence on record shows that applicants / accused persons were selling meat of the cow slaughtered in the field of co-accused Namdev Thopte.

4. Perused the papers of investigation. The F.I.R.

lodged by the informant Ravindra Thopte goes to show that in the wee hours of 5th May, 2016 the informant had been to his field for undertaking spraying operation. He saw few persons in the adjoining field of co-accused Namdev. The informant called his brother and other villagers. They rushed to the spot. The informant as well as other persons saw two vehicles on the spot. In one of the vehicle flesh of cow and other parts of the slaughtered cow were kept. The articles used for slaughtering the cow were also found on the spot of incident. During the course of investigation statements of witnesses came to be recorded. From statements of witnesses as well as those of co-accused, the investigator found that present applicants were indulging in slaughtering of cow and its progeny in the field of co-accused Namdev. Present applicants were paying handsome amount to co-accused Namdev Thopte for slaughtering the cow and its progeny in his field. Spot panchanama reveals that apart from slaughtered cows, other cows were also kept at the said field for the purpose of slaughtering. The seized flesh was examined during the investigation and it was found to be of the cow and its progeny.

5. Considering the material collected during the investigation, it cannot be said that no offence punishable under the Maharashtra Animal Preservation Act, 1995 is made out against applicants. Similarly, it is not possible to conclude that the provisions of section 295(A) of the said Act are not attracted in this case.

6. Considering the nature of crime as well as evidence against present applicants, no case for anticipatory bail is made out. The application is rejected.

(A.M.BADAR, J.)