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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO.425 OF 2017

Raju Ungali @ Iqbal Kallu Qureshi	...Applicant
Versus	
The State of Maharashtra	...Respondent

***WITH
CRIMINAL APPLICATION NO.322 OF 2017
IN
CRIMINAL BAIL APPLICATION NO.425 OF 2017***

Chetan Sharma	...Applicant /Intervener
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IN THE MATTER BETWEEN

Raju Ungali @ Iqbal Kallu Qureshi	...Applicant
Versus	
The State of Maharashtra	...Respondent

***WITH
CRIMINAL BAIL APPLICATION NO.437 OF 2017***

Raisa Kallu Kureshi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Acharya Moorthy, for the Applicant in BA No.425 of 2017.

Ms.Ameeta Kuttikrishnan, for the Applicant/Intervener in APPP No.322 of 2017.

Mr.C.G.Patil i/b Mr.S.K.Hande, for the Applicant in BA No.437 of 2017.

Mr.Prashant Jadhav, A.P.P. for the Respondent-State.

API – Y.A.Gitte, Taloja Police Station.

CORAM : REVATI MOHITE DERE, J.

DATE : 19th APRIL, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By these applications, the Applicants seek their enlargement on bail in connection with C.R.No.6 of 2016 registered with the Taloja Police Station, Navi Mumbai, for the alleged offences punishable under Sections 307, 392, 382, 379, 120B, 107, 109, 429, 427 r/w 34 of the Indian Penal Code, under Section 11 of Prevention of Animal Cruelty Act, under Sections 5, 5(B)(1), 9, 9(B), 11 of Maharashtra Animal Preservation Act, under Sections 119, 37(1), 135 of Bombay Police Act, under Sections 83, 117 of Maharashtra Vehicle Act, under Section 6 of Maharashtra Cow Slaughter Act and Rule 47(A), 48, 49(A), 54(1)(2)(3) of Transportation of Animal Rule.

3. Learned Counsel for applicants in both the bail applications seek bail on the ground of parity. They submit that co-accused - Intezarali Muddi Ali Shaikh @Mulla has been enlarged on bail by this Court (Coram:Smt.Sadhana S. Jadhav, J.) vide order dated 20th September, 2016 passed in Criminal Bail Application No. 1066 of 2016. They submitted that infact the applicants stand on a far better footing than co-accused - Intezarali Muddi Ali Shaikh @Mulla, inasmuch as, there are no allegations under Section 307 of Indian Penal Code, qua the applicants. Infact, they submitted that there is no material to connect the applicants with the alleged offences with which they are charged.

4. Learned APP opposed the applications. He submitted that as far as the applicant in Criminal Bail Application No.425 of 2017 - Raju Ungali @ Iqbal Kallu Qureshi is concerned, whilst on anticipatory bail, he has committed 2 similar offences.

5. Perused the papers. The incident in question has taken place on 13th January, 2016. According to the complainant – Chetan Sharma, an Animal Welfare Officer, he received secret information that bullocks were

being carried by co-accused – Intezarali Muddi Ali Shaikh @Mulla for slaughtering. It is alleged by the complainant that the said bulls were going to be slaughtered by the applicants, who were running an illegal slaughter house. Pursuant thereto, the complainant apprehended and stopped the said vehicle, which was carrying one bullock. It is alleged that co-accused – Intezarali Muddi Ali Shaikh @Mulla was present in the said vehicle and when stopped drove the car on the complainant's car. Admittedly, the applicants were not present in the vehicle. Prima-facie, it is doubtful whether an offence under Section 307 of the Indian Penal Code is disclosed, qua the applicants.

6. Learned APP has not been able to show that the applicants were present at the spot, nor has been able to show that the applicants were running an illegal slaughter house.

7. Nothing was seized from the alleged illegal slaughter house run by the applicants. Even otherwise the applicants are entitled to bail, inasmuch as the main accused – Intezarali Muddi Ali Shaikh @Mulla has been enlarged on bail by this Court vide order dated 20th September, 2016.

Considering the aforesaid, the applications are allowed and the applicants are enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;
- ii) The Applicants shall attend the concerned Police Station, once in two months on the first Monday of that month, between 10.00 a.m. to 11.00 a.m. till the conclusion of the trial;
- iii) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicants shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;
- v) The Applicants shall cooperate with the conduct of the trial.

8. The Applications are allowed and disposed of in above terms.

9. It is made clear that the observations made herein are *prima facie* and are confined to the aforesaid applications and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. In view of the disposal of the Bail Application No.425 of 2017, the Intervention Application being Criminal Application No.322 of 2017 does not survive and the same is also disposed of.

11. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)