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

CRIMINAL BAIL APPLICATION NO.699 OF 2017

Subhash Prithviraj Malu

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms.Sanjana Pardeshi i/b Law Global Advocates for the Applicant.

Mr.S.S.Hulke, A.P.P. for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 30th MARCH, 2017

P.C. :

1. Heard learned counsel for the Applicant and learned APP for the Respondent - State.

2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-41 of 2017 registered with the Malegaon Taluka Police Station, Nashik for the alleged offences punishable under Sections 307, 341, 143, 147, 148 and 149 of the Indian Penal Code .

3. The incident in question has taken place on 14th February, 2017 at around 4.00 a.m. It is alleged by the complainant – Shaikh Farookh Shaikh Shakeel that he was assaulted by the applicant and other accused with bamboo sticks and that the complainant was also thrown down from the bridge, as a result of which he sustained injuries.

4. Learned Counsel for the applicant submitted that the applicant was appointed as an Animal Welfare Officer for assisting the Committee to Monitor the Animal Welfare Laws in Maharashtra in the year 2006. She submitted that the applicant had infact lodged a complaint which was registered vide C.R.No.II-14 of 2017 as against Shaikh Farookh Shaikh Shakeel and Shaikh Farid Shaikh Abdul Rahim, for the alleged offences punishable under the Maharashtra Animal Preservation Act. She submitted that the applicant had apprehended the complainant and his accomplice who were carrying cows and bulls for the purpose of slaughtering, despite the ban imposed on slaughtering of cows, bulls and their progenies. She submitted that on receipt of the information that the complainant – Farookh and his accomplice were smuggling cows and cow progeny in their vehicle and only with a view to stop them from doing so and with a view to hand

them over to the police, the applicant and the other co-accused stopped the vehicle. She submitted that the complainant – Farookh and his accomplice jumped from the bridge as a result of which they sustained injuries and that they were not assaulted by the applicant and others. She submitted that only as an after thought and as a counter blast to the FIR lodged by the applicant vide C.R.No.II-14 of 2017, alleging offences punishable under Maharashtra Animal Preservation Act, the complainant has lodged C.R.No.I-41 of 2017 alleging offences punishable under Sections 307, 341, 143, 147, 148 and 149 of the Indian Penal Code.

5. Learned APP opposed the bail application. He submitted that there is nothing to show that the applicant at the time of the alleged offence was an Animal Welfare Officer and had a valid certificate to that effect.

6. Perused the papers. Although learned counsel for the applicant has produced a certificate of his appointment, as an Animal Welfare Officer, the same is of the year 2006 – 2007. No other certificate is produced to show that the applicant was an Animal Welfare Officer on the date when the alleged incident took place and was authorised to stop

any such vehicle carrying animals. The applicant had stopped the vehicle in which cow and their progeny were being taken for slaughtering, pursuant thereto, the applicant had lodged C.R.No.II-14 of 2017 with the Malegaon Taluka Police Station alleging offences punishable under the Maharashtra Animal Preservation Act. Whether or not the injuries sustained by the complainant are as a result of the acts of the applicant and the co-accused or are as a result of jumping from the bridge in a bid to escape, as alleged by the applicant is a matter which will be decided by the trial Court. The injury certificate shows that the complainant and his accomplice have received simple injuries due to a blunt object. The applicant has been in custody since 14th February, 2017.

7. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

ii) The Applicant shall attend the concerned Police Station every Saturday, between 10.00 a.m. to 11.00 a.m., till the filing of the charge-sheet;

(iii) The Applicant shall inform his 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 Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The Applicant shall cooperate with the conduct of the trial.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

(REVATI MOHITE DERE, J.)