

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.581 OF 2017

Bhagwant Singh s/o Niranjana Singh Gill

..VS..

State of Maharashtra, through PSO, PS Warora, Taluka Warora, District
Chandrapur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri S.V. Sirpurkar, Counsel for the applicant.
Shri I.J. Damle, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 28, 2017.

The Superintendent of Police at Chandrapur

Ms Niyati Thaker is personally present as per the directions given by this Court on 23.8.2017. She has given an oral explanation that due to breakdown in the Internet, the communication was not received by the concerned police station and, therefore, there was no response by the concerned police station to the Office of the Public Prosecutor. Henceforth, no such thing will happen and the Department will take necessary steps to communicate their response to the Office of the Public Prosecutor immediately. The explanation, as given by the Superintendent of Police at Chandrapur, is accepted. Her presence is discharged.

By the present application, the applicant is seeking pre-arrest bail in respect of offences punishable under

Sections 11(1)D of the Prevention of Cruelty to Animals Act, 1960 and Sections 5(1), 5(b)9 and 11 of the Maharashtra Animals Protection Act, 1976 and Amended Act, 2015 and Section 184 of the Motor Vehicles Act, 1988 registered with Police Station Warora, District Chandrapur vide Crime No.825 of 2017.

Even, according to the prosecution, the only allegation against the present applicant is that he is the owner of the truck in which livestock was found tied with in cruel manner. Except this, there are no allegations whatsoever against the present applicant.

Learned Additional Public Prosecutor, on the basis of the instructions and the investigation papers, submits that though initially the applicant did not cooperate with the investigating officer, as he did not give proper information about power of attorney, subsequently he has extended full cooperation to the investigating officer and his statement is also recorded.

Looking to the role, that is attributed to the present applicant, is only that he is the owner of the truck and he has already extended cooperation to the investigating officer, in my view, custodial presence of the applicant is not necessary. That leads me to pass the following order:

ORDER

- i) The criminal application is allowed.
- ii) Order passed by this Court on 11.8.2017 stands

confirmed.

iii) The applicant to attend the police station once in a month that is on last Thursday of every month, till filing of the charge-sheet in between 3:00 p.m. and 5:00 p.m.

iv) With this, the criminal application is disposed of.

JUDGE

!! BRW !!