

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

**BAIL APPLICATION NO.193 OF 2018
WITH
BAIL APPLICATION NO. 239 OF 2018**

Mr. Majid Aminsahab Bepari Applicant
 Vs.
The State of Maharashtra Respondent

Mr. Sachin B. Thorat the Applicant.
Mr. N.B. Patil, APP for the State in BA No. 193 of 2018.
Ms. S.S. Kaushik, APP for the State in BA No.239 of 2018.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 22nd February, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2 These are applications under Section 439 Code of Criminal Procedure. The applicant herein is an accused in Crime No. 389 of 2017 registered at Narayangaon police station and also in Crime No. 246 of 2017 registered at Junnar police station for the offences punishable under Sections 5A, 5C, 9A of Protection of Maharashtra Animal Preservation Act, 1876.

3 It is the case of the prosecution that on 22nd December 2017, Thakuji Krushnaji Gawade lodged a report at the police station alleging therein that he had noticed one Tempo bearing registration no. MH-17 AG 7482 proceeding from Junnar to Narayangaon in high speed and dashed one bullock-cart. The bullock was hurt. They were carrying a woman, which was injured. They had seen a tempo and had attempted to halt the said tempo. However, tempo driver did not pay any heed and driven the vehicle towards them. The complainant got injured. Similarly Chandrakant Mule and Narayan Sarvade have also got injured. The tempo driver had fled from the spot. The first informant and his friends were taken to the hospital. While conducting panchanama of the tempo, it was noticed that the tempo was transporting meat. The same was seized and sent for chemical analysis and it was ascertained that it was cow beef. Hence, the Crime No. 389 of 2017 was registered against the applicant at Narayangaon police station. Similarly on 15th December 2017 also the constable had lodged a report at the police station alleging therein that on the basis of secret information, they had raided the premises near Badshah Talao. The complainant had heard some sound from the cement concrete house and therefore they had reached the spot and had noticed that there was meat of animals, some bulls were standing there and also seen said tempo there. The complainant had taken prima facie opinion of the Veterinary doctor, who had

confirmed that it was cow beef. Thereafter it was sent for chemical analysis and the same was confirmed. It appears from the records that the said site belongs to the applicant, hence the applicant is being prosecuted under Section 5A, 5C, 9A of Protection of Maharashtra Animal Preservation Act, 1876 and under Section 11 of Wildlife Protection Act, 1976. On the basis of the said report, Crime No. 246 of 2017 was registered at Junnar police station.

4 Learned APP had submitted that the applicant had similar criminal antecedents. Two offences are registered against the applicant in the past under the provisions of Maharashtra Animal Preservation Act. Learned counsel for the applicant has fairly submitted that the applicant would give an undertakings to that effect in future.

5 Today the learned counsel for the applicant has filed undertakings in both the applications contending therein that he will not indulge into the offence punishable under the provisions of Maharashtra Animal Preservation Act or offence of Wildlife Protection Act and or any other offence in future. The undertakings are taken on record and marked Article 'X' for identification. This Court is of the opinion that the applicant would abide by the undertakings given to this Court. That further incarceration of the applicant would be unwarranted and unjustified and hence, the applicant deserves to be released on bail in both crimes.

6 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

ORDER

1 The applications are allowed.

2 The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- in each of the crime with one or more solvent sureties in the like amount.

3 The applicant shall not leave Junnar till the conclusion of the trial in both the cases.

(*Smt. Sadhana S. Jadhav, J*)