

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

ANTICIPATORY BAIL APPLICATION NO.1052 OF 2018

Ankit Ashok Kapoor ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Rizwan Merchant with Mr. Rishi Malhotra I/b. Mr. Imran Farooqui for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent -State.

Mr. Subhash Jha with Mr. Harekrishna Mishra with Mr. Raju Gupta for the Intervenor in APPP/642/2018.

Mr. Raju Gupta I/b. M/s. Legal Vision for the Intervenor in APPP/680/2018.

Mr. Umesh Gitte, API, Taloja police station, Navi Mumbai present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 27th AUGUST, 2018.

P.C.:-

This is an application for anticipatory bail filed by the aforesaid Applicant apprehending his arrest in Crime No.11 of 2018 registered at Taloja Police Station, Navi Mumbai, for the offences punishable under Sections 420, 465, 468 and 471 r/w 34 of the IPC and Section 5(C) of the Maharashtra Preservation of Animals Act, 1976.

2. Heard Mr. Rizwan Merchant, the learned counsel for the Applicant, Mr. Subhash Jha, the learned counsel for the Intervenor and

Mr. S.R. Agarkar, the learned APP for the Respondent -State. Perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The records prima facie reveal that the Intervenor-Krishnakant Prabhakar Bandekar, office bearer of Vishwa Hindu Parishad had given a written complaint to Taloja Police Station alleging that he suspected storage of cow meat in cold storage company-Western Superfresh Corporation Ltd., Plant No.C-9/2, Taloja, MIDC, by a company named Al Azeez Vertex Agri Products Pvt. Ltd.

4. On 7.1.2018, the first informant Tushar Borse visited the cold storage company along with Assistant Veterinary Commissioner, Animal Husbandry Officer and others. The said cold storage contained several boxes of meat which were packed and labelled as frozen boneless buffalo meat. Samples of the meat were taken and sent to the Chemical Analyzer. The report of the forensic laboratory revealed that said samples were of cow meat. Hence, Tushar Rohidas Borse, Police Naik attached to Taloja Police Station lodged a report against the present Applicant being a Director of Vertex Agri Products Pvt. Ltd. for slaughtering cow breeding species/animals, packing the cow meat

as Buffalo meat by forging documents and storing the same meat in cold storage of Western Super Fresh Corporation, Taloja. It is alleged that the said acts constitute offences under Sections 420, 465, 468, 471r/w. 34 of the IPC and Section 5(C) of the Maharashtra Prevention of Animals Act, 1976.

5. Mr. Jha, the learned counsel for the Intervenor submits that the Applicant is involved in fabricating the documents and exporting the cow meat under the garb of buffalo meat and thereby cheating the Government. He submits that there is prima facie material to show that the Applicant has also committed offences under Section 367 of the IPC and Sections 5(A) and 5(B) of the Maharashtra Preservation of Animals Act, 1976, which are of serious nature. He further claims that the Applicant has committed similar offence and that FIR has already been registered against him at Turbhe police station. He urges that the gravity of the offence coupled with the antecedents of the Applicant does not justify grant of pre-arrest bail.

6. At the outset it may be mentioned that the FIR merely indicates that the Applicant had stored cow meat under the garb of boneless buffalo meat. The contents of the FIR, even if taken at its face

value do not prima facie disclose essential ingredients of “cheating” as to constitute offence under Sections 420, 468 and 471 of the IPC. As regards the offences under Sections 465 and 471 of the IPC are concerned, the same are punishable for a term which may extend to two years, or with fine or with both. Similarly, offence under Section 5(C) of the Maharashtra Animal Preservation Act, 1976 is punishable for a term which may extend to one year or fine which may extend to two thousand rupees.

7. It is also to be noted that the learned APP has submitted that the investigation is completed and that the charge sheet will be filed within a period of 7 days. Hence, the facts and circumstances, in my considered view do not warrant custodial interrogation. Hence, the following order:-

(i) The application is allowed.

(ii) In the event of arrest of the Applicant in Crime No.11 of 2018 registered at Talaja Police Station, Navi Mumbai, the Applicant be released on bail on furnishing bail bonds of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the Investigation Officer.

(iii) The Applicant shall furnish his permanent as well as

temporary address, if any, and his contact details to the Investigation Officer.

- (iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.
- (v) The Applicant shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
Shridhar
Parab

Digitally signed by
Megha Shridhar
Parab
Date: 2018.08.31
17:49:43 +0530