

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

Criminal Application (BA) No. 553 of 2019
Mobin Ahmed Vs. State Through P.S. Parwa Dist. Yavatmal

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

Court's or Judge's orders

Mr. Sk. Sabahatullah, Advocate for applicant.
Mr. A.D. Sonak, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 22, 2019

The applicant herein has approached this Court seeking bail as he stood arrested on 23/05/2019, in connection with FIR dated 18/03/2019 for offences under Sections 307, 353 of the Indian Penal Code and various provisions of the Protection of Animal from Cruelty Act, 1960 and other offences also.

2. It is pointed out by the learned counsel for the applicant that FIR was initially registered against unknown persons because the incident in question involved two trucks driven by unknown persons which were sought to be apprehended and in that process they caused damage to barricades and police vehicle. Before the police could apprehend them, the drivers left the vehicle and ran away. It is alleged that animals were being illegally transported in the said two vehicles.

3. The applicant was shown as accused after investigation revealed that one of the truck was purchased by him from the original owner, in the name of his brother. The drivers are yet to be apprehended by the police.

4. In this backdrop, it is contended on behalf of the applicant that he was admittedly not driving of the vehicle and, therefore, applicability of offence under Section 353 of IPC was wholly misplaced and that he could not be held responsible for the other alleged offences as the vehicle in question was actually owned by his brother.

5. While opposing the present application, the learned APP pointed out in the reply, which was handed over and taken on record by this Court, that there are criminal antecedents against the applicant for similar earlier offences and that he has been found externed from the city of Nagpur by order dated 05/04/2019, issued by the Deputy Commissioner of Police, Division – 5, Nagpur.

6. Considering the material on record, it is apparent that the allegation regarding the vehicle being driven in such a manner that it caused damage to public property and that offences under Section 307 or Section 353 of IPC could not be directly attributable

to him. As regards offence under Section 353 of IPC and other provisions under the Motor Vehicles Act and criminal antecedents of the applicant, this Court is of the opinion that appropriate conditions could be imposed while granting bail to the applicant herein.

7. In view of the above, the present application is allowed and the applicant is directed to be released on bail on following conditions :

- a) Applicant shall furnish PR bond of Rs.50,000/- and surety in the like amount.
- b) The applicant shall attend Police Station Parwa Dist. Yavatmal once a week i.e. on every Sunday between 10:00 AM to 5:00 PM.
- c) The applicant shall co-operate with the investigation.
- d) The applicant shall not tamper with the evidence or influence the witnesses.

8. It is made clear that if the applicant violates any of the conditions stated above, the bail granted to him shall stand cancelled.

9. It is further made clear that the observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE