

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

914 CRIMINAL WRIT PETITION NO.811 OF 2021

**SHAHIRUKH YUNUS KHATIK
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Petitioner : Mr.Deshpande Chaitanya C.
APP for Respondent No. 1-State : Mr. R.B.Bagul

...

CORAM : N.R. BORKAR , J.

DATE : 25th November, 2021.

P. C. :

1. This petition takes an exception to the order dated 23.06.2021 passed by the learned Additional Sessions Judge, Dhule in Criminal Revision Application No. 54 of 2020.

2. The vehicle of the petitioner bearing Registration No. MH-43/F-7649 came to be seized in crime No. 121 of 2020 registered at Dhule Taluka Police Station, Dhule for the offences punishable under Sections 5 (a) read with Section 9 of the Maharashtra Animals Protection Regulation, 1995 and 11 (1) (d) of the Prevention of Cruelty to Animal Act, 1960.

3. An application for the release of the said vehicle was moved before the learned Magistrate. The application was allowed. The petitioner was however, directed to pay maintenance charges at the rate of Rs. 300/- per day towards the maintenance of the seized

cattle. Against the order of maintenance charges the revision petition was filed. By the order impugned, the learned Additional Sessions Court, thought it fit to set aside the said condition of maintenance charges, however, it directed the petitioner to furnish a bank guarantee of Rs. 3,00,000/-, in addition to the execution of the Suprutnama in the sum of Rs. 2,00,000/-.

4. Admittedly, the petitioner is not the owner of the seized cattle, nor the petitioner is accused in the crime in question. The order to furnish bank guarantee can not be passed mechanically and reasons are required to be assigned for the same. The learned revisional Court has not assigned any reasons for ordering the petitioner to furnish bank guarantee. Thus, the order impugned to the extent of directing the petitioner to furnish bank guarantee is set aside.

5. The revision petition is allowed in the above terms.

(N.R. BORKAR)
JUDGE

mahajansb/