

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 673 OF 2019**

Mukhtar Ahmed Qureshi	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. M. K. Kocharekar i/b. Sufian Qureshi for Applicant.
Smt. Rutuja Ambekar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 13th July 2021.

(Through Video Conferencing)

PC. :

1. This is an application under Section 438 of the Criminal Procedure Code for pre-arrest bail in C.R. No. 21 of 2019, dated 3rd February 2019, under Section 429 of Indian Penal Code and Sections 5 and 9 of Maharashtra Animal Protection Rules registered with BKC Police Station, Mumbai.
2. Heard Mr. Kocharekar, learned Advocate for the Applicant and Smt.Ambekar, learned A.P.P. for the Respondent-State. Perused record of investigation.
3. The First Information Report is lodged by Appaji B. Shegar, Police Naik attached to BKC Police Station, Mumbai. It is the prosecution case that,

on 3rd February 2019 at about 6.35 a.m. the Police Control Room received a message that, at the scene of offence some persons were committing cow's slaughter and requested to send police help. When the Police reached at the scene of offence, they found two dead bullocks which were slaughtered. No person was found near the said place. In the brief premise, the present F.I.R. is lodged.

4. By an Order dated 18th March 2019, the Applicant has been granted interim relief by this Court. It was observed in the said Order that, perusal of the record of investigation would indicate that, to support the suspicion of prosecution that, the Applicant slaughtered the said two bullocks, there was no other corroborative material for lending credence to it.

5. Perusal of record of investigation would further indicate that, except a strong suspicion expressed by three witnesses, there is no material to record a prima facie opinion that, the Applicant in fact is involved in slaughtering the said two bullocks. It is the settled position of law that, suspicion however strong it may be, does not take place of legally admissible evidence. In the present case except strong suspicion expressed by the witnesses on the ground that, the meat selling shop of the Applicant was situated near the scene of offence, there is no other material to show direct involvement of the Applicant in the present crime.

6. In view of the above, the Applicant can be protected by pre-arrest bail.

Hence, the following Order :-

- i) In the event of arrest in C.R. No. 21 of 2019, dated 3rd February 2019, under Section 429 of Indian Penal Code and Sections 5 and 9 of Maharashtra Animal Protection Rules registered with BKC Police Station, Mumbai, the Applicant shall be released on bail on his furnishing PR bond of Rs.20,000/- with one or two local sureties in the like amount.
- ii) Applicant shall also attend all the dates before the Trial Court unless precluded for medical reasons or exempted by the Trial Court, if Police submits charge-sheet in the matter.
- iii) Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- iv) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]