

Sneha N.
Chavan

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 873 OF 2020

Khaja M. Kasim Kureshi .. Applicant
V/s.

The State of Maharashtra ..Respondent

Mr. Mohammad S. Mulla for the Applicant.

Mr. H.J. Dedhia, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 4th JANUARY, 2021

P.C.

1. The applicant (accused No.5), apprehending his arrest in Crime No. 728 of 2020 registered with police station Sangola, District-Solapur under Section 5A, 5B and 9 of the Maharashtra Animal Preservation Act, 1995 and Section 183 and 177 of the Motor Vehicles Act, 1954 is seeking anticipatory bail.

2. A perusal of the FIR lodged by police Naik Pramod More shows that a secret information was received, while the complainant along with others was on patrolling duty, to the effect that co-accused Anna More and Anil Ohol were working as agents and were

purchasing animals, which were sold to the applicant and the co-accused for slaughter. The information received was that the applicant and the co-accused Rafiq Kureshi (accused No.7) after having purchased the said animals had transported them in a pick up van bearing No. MH-13-AX-9273 and after their slaughter, had sold the meat.

3. On hearing the learned counsel for the applicant and the learned APP, it transpires that except the secret information, there is no material to show the complicity of the applicant in the said offence. It does not appear from the FIR that there was any raid conducted or any vehicle intercepted in which the live stock was being transported in breach of the provisions of the Maharashtra Animal Preservation Act or the Motor Vehicles Act.

4. Prima facie at this stage, no material is pointed out to show that the applicant had transported the said animals. The remand report dated 26.05.2020 shows that the concerned vehicle has been seized from accused No.2 Anil Ohol. The learned counsel for the applicant points out that accused Nos. 1, 2, 3 and 7 have been released on regular bail.

5. In that view of the matter, the following order is passed:

ORDER

i) In the event of his arrest, in connection with the investigation of Crime No. 728 of 2020 registered with police station Sangola, District – Solapur, the applicant shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The applicant shall attend the Investigating Officer once in two weeks on Monday between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

iii) First of such attendance shall be made on 11.01.2021.

iv) The applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

v) In the event of breach of any of the conditions, the bail is liable to be cancelled.

vi) The criminal application is disposed of in the aforesaid terms.

C.V. BHADANG, J.