

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1957 OF 2021**

Rafik Shagir Kazi

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Sumant Deshpande for Applicant.

Mrs.Anamika Malhotra, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.**DATE : 13th September 2021.****PC. :**

1. Applicant is apprehending arrest in connection with C.R. No.833 of 2021 dated 15th July 2021 registered with Chakan Police Station, Pimpri-Chinchwad for the offence punishable under Section 5(A), 5(B), 9 of the Maharashtra Animal Preservation (Amendment) Act, 1995 and Section 11(1) (I) of the Prevention of Cruelty to Animals Act, 1960.

2. Heard Mr.Deshpande, learned counsel for the Applicant and Mrs.Malhotra, learned A.P.P. for State. Perused record.

3. By a speaking Order dated 20th August 2021, the Applicant was granted interim relief.

4. The First Information Report is lodged by Mr.Shivshankar Rajendra Swami, a member of *Akhil Bhartiya Krushi Gau Seva Sangh*. The

informant is also in the service of protection of cows. It is the prosecution case that, on 15th July 2021 at about 5:00 am, the informant received confidential information that, the Applicant had brought certain animals for the purpose of sacrificing for celebrating Eid festival. Necessary intimation was given to the Police. Police thereafter conducted raid at the cattle shed of the Applicant, wherein 4 bullocks, 1 jersey cow, 1 Indian cow and 1 jersey bullock were found tied therein. Upon enquiry, the mother of Applicant informed the police that the Applicant had brought the said animals for sacrificing them on the day of Bakari Eid. In this brief premise, the present crime is registered.

5. Perusal of record of investigation indicates that, except the statement of mother of Applicant there is no other corroborative material to attribute Section 5(A) and 5(B) of Maharashtra Animal Preservation (Amendment) Act, 1995. The record further indicates that, the mother of Applicant has retracted her statement by filing an affidavit dated 23rd July 2021 before the Court of Additional Sessions Judge, Rajgurunagar, District Pune. It thus appears to this Court that, to attract and apply Section 5(A) and 5(B) of Maharashtra Animal Preservation (Amendment) Act, 1995, as of today, there is no material available with the Investigating Agency to seek custodial interrogation of the Applicant.

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

Hence, the following Order:-

- (i) In the event of arrest in C.R. No.833 of 2021 dated 15th July 2021 registered with Chakan Police Station, Pimpri-Chinchwad for the offence punishable under Section 5(A), 5(B), 9 of the Maharashtra Animal Preservation (Amendment) Act, 1995 and Section 11(1)(I) of the Prevention of Cruelty to Animals Act, 1960, the Applicant shall be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or two separate local sureties.
- (ii) Applicant shall attend the Investigating Officer, as and when called for, after receipt of notice in writing specifying the date and time of attendance to the Police Station till submission of Final Report.
- (iii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]