

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

ANTICIPATORY BAIL APPLICATION NO. 2086 OF 2021

Shaukat Ali Kasim Poji Applicant

Versus

The State of Maharashtra Respondent

Mr. Shailesh Kharat, for the applicant.

Mr. R.M. Pethe, APP for the State/Respondent.

API Mr. Amol Talekar, Nalasopara Police Station present.

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd SEPTEMBER, 2021

P.C. :

1. This is an application for anticipatory bail in C.R.No.291 of 2021 registered with Nalasopara Police Station, for offences punishable under sections 5(b),9,11 of Maharashtra Animal Preservation Act, Section 11(1)(a), 11(1)(f) of Prevention of Cruelty to Animals Act and Section 3 and 13 of Transportation of Animals Act.

2. The case of the prosecution is that on receipt of

information police raided tempo on 24th June 2021. They noticed dung and grass on the tempo. They came to know that there is slaughtering house behind the cattle shed. They raided place behind cattle shed of mahshi, where animals were brought for slaughter. In the room they found 25 cows, bulls, calves.

3. The applicant preferred an application for anticipatory bail before the Sessions Court which has been rejected by order dated 16th July 2021.

4. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in this case. He has no connection with transportation of the animals or commission of alleged offence. Co-accused were granted anticipatory bail. The application was rejected by Sessions Court on the ground that the applicant has antecedents. The applicant was granted anticipatory bail in relation to two other cases with an observation that there is no cogent evidence against him. The applicant and others had filed Writ Petition before the High Court challenging action of

cancellation of licence. Hence, the applicant has been falsely implicated in this case.

5. Learned APP submitted that involvement of the applicant was disclosed during the course of investigation. Animals were brought by tempo. CDR collected by the investigating officer indicate that there was talk between the applicant and the driver of the tempo. Panchnama recorded during the course of investigation indicates that the slaughter house was situated near the place where the animals were confined. There are criminal antecedents against the applicant. He is involved in six criminal cases. The offences were registered under C.R. No. 110 of 2017 for offences punishable under sections 307, 394,363,341,109,506 of the I.P.C. C.R. No. 284 of 2010 registered under section 307,143,147,148,324,504 of the I.P.C., C.R. No. 24 of 2014 was registered under section 52 and 53 of MRTP Act. C.R. No. 36 of 2018 was registered under the provisions of 3,5(c),9 and 11 of Maharashtra Animal Preservation Act and Prevention of Cruelty on Animals Act. C.R. No. 339 of 2020 was registered for the offences

punishable under sections 326,323,504,427,143,145,147,149 of the I.P.C. N.C. was registered against him vide C.R. No. 71 of 2021.

6. After going through the investigation papers, I find that there is material to show complicity of the applicant in the offence. The case of prosecution is that 25 cows, bullocks and calves were confined in a room in cruel manner for slaughter. The place where animals were kept belong to applicant. There were calls between applicant and co-accused. There are criminal antecedents against the applicant.

7. Hence, I pass the following order:

ORDER

Anticipatory Bail Application No. 2086 of 2021 is rejected.

(PRAKASH D. NAIK, J.)