

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.102 OF 2021

(Amir Munir Malnas Vs. State of Maharashtra thr. PSO PS Pandharkawda, Dist.
Yavatmal)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. M.N. Ali, Advocate for Applicant.
Mr. M.K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 23rd FEBRUARY, 2021.

The applicant is apprehending arrest in Crime 22/2021 registered with Police Station Pandkharkawada, District Yavatmal for offences punishable under Sections 11(1), 11(1)(g)(d)(c)(j) of the Prevention of Cruelty to Animal Act read with section 5(g)(b) of the Maharashtra Animal Preservation Act read with Section 429 read with section 34 of the Indian Penal Code.

2. While the applicant claims to be 'respectable person' and a businessman, one of the consideration which weighed with the learned Sessions Judge while rejecting the pre-arrest protection is the criminal antecedents. The applicant is facing two similar prosecutions and the prosecution alleges that he is a chronic offender.

3. The submission of the learned counsel Mr. Ali is

that the applicant was not present on the spot when the container was intercepted and seized with the cattle which allegedly were being transported to Hyderabad for slaughter. While the submission is duly noted, the mastermind of such crimes would hardly be expected to be physically driving the vehicle. The material on record, which is also noted by the learned Sessions Judge in the order which rejects the pre-arrest protection is sufficient to make out a case for custodial interrogation. No further observation need be made lest the applicant is prejudiced if, and when, there is an occasion to prefer an application seeking regular bail.

4. Suffice it to say, that considering the role of the applicant which surfaced during the interrogation of the co-accused who were arrested on the spot, the fact that the applicant was allegedly in telephonic contact with the co-accused, the fact that the applicant has antecedents and was even earlier involved in similar offences, no case is made out for exercise of discretion.

5. The application is dismissed.

JUDGE