

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

CRIMINAL APPLICATION (ABA) NO. 372 OF 2021

Gulmohammad Shaikh Babu

..vs..

State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri Suyash Agrawal, Advocate h/f Shri S.V. Sirpurkar,
Advocate for Applicant.

Shri A.M. Deshpande, A.P.P. for Non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 06/08/2021

Heard.

2. In anticipation of arrest in Crime No.18 of 2021 registered with M.I.D.C. Police Station, District Akola for the offences punishable under Sections 5(A), 5(B), 5(C) and 9 of the Maharashtra Animal Preservation Act 1995, Section 429 of the Indian Penal Code 1860, Sections 181, 181(3), 184 and 5 of the Motor Vehicles Act 1988 and Sections 11(1), 11(1)(a), 11(1)(d), 11(1)(e), 11(1)(f), 11(1)(g) and 11(1)(h) of the Prevention of Cruelty to Animals Act, 1960, the applicant prayed for pre-arrest protection.

3. This Court has granted ad-interim protection vide it's order dated 25.06.2021, which is prevailing till date.

4. The non-applicant/State resisted bail by filing affidavit-in-reply. It is contended that at the instance of the applicant, 40 cattle were being transported in cruel manner. It is brought to the notice that one of the cattle was dead whilst 6 were injured.

5. With the assistance of both sides, contention of the First Information Report were gone into. On receipt of secrete information, the Police have accosted one container bearing registration No. RJ-49 GA-1992. Three persons were seated in the cabin, who ran away, whilst the driver was caught on the spot. On inspection of the vehicle, it was found that there were 40 cattle (bullocks) out of which 6 were in injured condition and one was dead. It was transpired that the container was owned by one Muneem Kha and cattle were being transported towards Khamgaon and Nandura at the instance of one Gullu (present applicant).

6. According to the prosecution, the applicant is called as 'Gullu'. The applicant is referred to as the Gullu in the First Information Report. The allegation is about illegal transportation of cattle to slaughter house and treating the animals with cruelty. Already the Truck carrying cattle was seized and all the animals were seized. The applicant was not found along with cattle at relevant time.

7. Having regard to these facts, nothing is required to be seized. In view of that, the applicant's liberty can be protected by directing him to join the course of investigation. Hence, the following order :

- (a) Ad-interim order dated 25.06.2021 is hereby made absolute on same terms and conditions with a rider that the applicant shall attend concerned Police Station on every Sunday in between 11.00 am to 2.00 pm till the filing of charge-sheet.

JUDGE

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