

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

CRIMINAL APPLICATION (ABA) NO.386/2021

Jahir Umar Sahab Qureshi,

-VERSUS-

State of Maharashtra, through PSO, PS Nagpuri-Gate, Tq. and Dist. Amravati.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : S.M. MODAK, J.

DATE : JULY 29, 2021.

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate for the applicant and learned Additional Public Prosecutor.

3. The police personnel have registered an offence at Nagpuri Gate Police Station, Amravati City on 11/06/2021 under Section 429 of the Indian Penal Code and under Section 11 (1)(d) of the Prevention of Cruelty to Animal Act, 1960 and under Section 5-A and 5-B of the Maharashtra Animal Preservation Act, 1995.

4. The police personnel got information from secret informant that cattle are being transported illegally in a truck and accordingly, they laid a trap on 10/06/2021 and have accosted a truck near a Godown situated in front of Pannipura Ground, Amravati. Police could arrest three

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persons, they are Daulatramm Parasram, Imran Ali Mushtaq Ali, Mohd. Shoaib Mohd. Irshad. Two persons were successful in running away. One of them is present applicant Jahir Umar Sahab Qureshi and his brother Tausif Usman Qureshi. His anticipatory bail application was rejected by the Court of Additional Sessions Judge, Amravati. I have perused the investigation papers. It is true that in all 53 cattle were being transported in a truck in a inhuman manner. Two cattle succumbed to the injuries, whereas 9 were injured. The applicant comes with the explanation that the cattle belong to Daulatram Parasram who is resident of Madhya Pradesh and he has purchased it and the copy of receipt is filed. Whereas, Imran Ali Mushtaq Ali is the driver of the truck. This being pointed out in order to show that the accused is not concerned with the entire episode.

5. Whereas, according to the prosecution, the applicant has accompanied the other accused persons in the truck. A judgment in the case of *Naseerulah Vs. State* reported in 2013(2) MLJ(Cri.) 556 is relied upon by the prosecution, which is on the point of return of seized cattle. The High Court of Madras was pleased to confirm the order refusing the custody of the cattle.

6. When the investigation papers are perused, it reveals that the applicant was present on the spot at the time of raid and he was successful in running away. Fortunately, police personnel reached to the spot in time and could rescue the cattle. It is yet not clear for what purpose the accused

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Daulatram has transported the cattle from Madhya Pradesh to Amravati. Though, the prosecution could not pin point the role of this applicant, except transporting the cattle in the truck, his presence on the spot dis-entitles him to pray for anticipatory bail. His custodial interrogation is required. Hence, the present application is rejected.

JUDGE

R.S. Sahare