

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

CRIMINAL APPLICATION (ABA) NO. 575/2021

(Abbas Qureshi S/o Basheer Qureshi Vs. State of Maharashtra)

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

Court's or Judge's Orders

Shri S. B. Gandhe, Advocate applicant.
Shri I. Damle, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : 16.09. 2021.

Heard.

2. In anticipation of arrest in Crime No. 98/2021 for the offence punishable under Section 379 of the Indian Penal Code, the applicant is seeking for pre-arrest protection.

3. It is the case of prosecution that informant has lodged report contending that his two cows were stolen by unknown person. During the course of investigation, three co-accused were arrested who informed that the stolen cows were handed over to the applicant who sold them to unknown person.

2

4. It is argued that merely on the basis of statement of co-accused, the applicant has been arrayed in the crime. This is a case of theft against unknown thieves. The investigation is in progress. Though the Police got initial lead from co-accused, on that basis role of applicant has to be ascertained. Particularly, the stolen cows have to be seized for which applicant's interrogation is necessary. Pertinent to note that in recent past, similar type of offences of theft were registered against the applicant. Moreover, the offence punishable under Section 9 of the Prevention of Cruelty to Animal Act, was registered against him which *prima facie* indicates that applicant is indulging into similar activities. Having regard to all these facts and need of custodial interrogation, it is not a fit case to exercise judicial discretion.

5. In view of above, application stands rejected.

JUDGE

Gohane.