

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

CRIMINAL APPLICATION NO. 706 OF 2021

Sheikh Mohd. Sheikh Kadar
..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 M.N. Ali, Advocate with Shri Shahrukh Shah, Advocate for
applicant.
Shri I.J. Damle, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 18/12/2021

Heard.

2. In anticipation of arrest in Crime No.836 of 2021 registered with Old City Police Station, Akola District for the offence punishable under Sections 5(b), 9(a) of the Maharashtra Animal Protection Act read with Section 429 of the Indian Penal Code, Sections 130(2) and Sections 177 of the Motor Vehicles Act, the applicant has prayed for pre-arrest protection.

3. It is the prosecution case that on getting tip-off, the Police while on patrolling duty, inspected Auto Rickshaw, which was illegally carrying 60 kg flesh worth Rs.9600/-. Auto Driver Saiyyed Arshad was taken into custody. According to the prosecution, Auto Driver has disclosed the name of the applicant hence, he has been arrayed as an accused.

4. It is argued that the applicant is nowhere concerned with the seizure of beef. The non-applicant/State while resisting this application, contended that the applicant's custody is necessary to find out whether other members are involved in commission of the crime. The statement of Auto Driver is shown to indicate the nexus of the applicant. Perusal of police paper indicates that Auto Driver has stated that seized beef was owned by one Mohammad Qureshi. The Auto Driver stated the name of applicant in a general sense that the applicant used to do the said business. Neither the applicant found on the spot nor material was seized from his possession. There are no criminal antecedents against the applicant-accused. Considering all these circumstances, applicant's liberty can be protected, hence, the following order :

- (a) Criminal Application stands allowed and disposed of.
- (b) Ad-interim order dated 26.10.2021 is hereby made absolute upon same terms and conditions.
- (c) The applicant/accused shall continue to attend concerned Police Station as and when called till filing of charge-sheet or 90 days whichever is earlier.

JUDGE

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