

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

934 BAIL APPLICATION NO.268 OF 2022

. Parvez S/o Hazi Qureshi
Age: 38 years, Occu.: Labour,
R/o. Devigalli, Sangamner,
Tq.Sangamner,
Dist.Ahmednagar. ..Applicant
(Original Accused No.7)

VERSUS

. The State of Maharashtra
Through its Police Station
In-charge, Sangamner City Police Station,
Tq.Sangamner, Dist.Ahmednagar ..Respondent

...
Advocate for Applicant : Shri Narayan B. Narwade
APP for Respondent : Shri V.S.Badakh
...

BAIL APPLICATION NO.49 OF 2022

. Jahir Anwar Kureshi
Age: 29 years, Occu.: Business,
R/o. Bharatnagar, Sangamner,
Tq.Sangamner, Dist.Ahmednagar. ..Applicant
(Orig. accused)

VERSUS

. The State of Maharashtra
Through the Police Officer,
Sangamner City Police Station,
Sangamner,
Tq. Sangamner, Dist.Ahmednagar. ..Respondent

...
Advocate for Applicant : Shri S.P.Hiwale
APP for Respondent : Shri V.S.Badakh
...

BAIL APPLICATION NO.200 OF 2022

1. Abdul Wahed Abdul Kareem Quarsihi (Qureshi)
Age: 31 years, Occu.: Business,
R/o. Bharat Nagar, Near Sadruddin Hospital,
At Post Sangamner, Tq.Sangamner,
Dist.Ahmednagar.

2. Nawaj Javed Qureshi
Age: 26 yrs., Occu.: Labour,
R/o. Bharatnagar, Tq.Sangamner,
Dist.Ahmednagar. ..Applicants

VERSUS

. The State of Maharashtra
(Through Sangamner City Police Station
Tq.Sangamner, Dist.Ahmednagar) ..Respondent

...
Advocate for Applicant : Shri S.S.Jadhav
APP for Respondent : Shri V.S.Badakh
...

CORAM : M.G.SEWLIKAR, J.

DATE: 3rd March, 2022

PER COURT :-

1. All these applications are disposed of by common order as they arise out of the same crime.

2. Heard.

3. It is alleged in the FIR that the Police Authority received information that accused were running cow slaughter without possessing any licence. Therefore, the Police party raided the spot of the incident where the Police Officers found that cattle were crammed in a room and some were slaughtered. Cow meat of 12,000 kgs. was found. This slaughter house was being run in a Wada. All the applicants were found in near-by locality and seeing the Police they ran away. They were apprehended. Some

accused were seen in the Wada. On these allegations, FIR came to be lodged against the applicants on the basis of which Crime No.0518 of 2021, came to be registered with Sangamner City Police Station, District Ahmednagar, under Sections 269, 429 read with Section 34 of the Indian Penal Code, under Sections 5(a), 5(c), 9(a), 9 of Maharashtra Animal Preservation Act and under Sections 3 and 11 of the Prevention of Cruelty to the Animal Act. All the applicants were arrested.

4. Shri Satej S.Jadhav, Shri Narayan B.Narwade and Shri S.P.Hiwale, learned counsel for the respective applicants submit that all the offences are bailable except offence under Section 9 of the Maharashtra Animal Preservation Act. All of them submit that punishment provided for these offences is imprisonment of either description for a minimum term of six months which can be extended to five years. They submit that offence is not punishable with death or imprisonment for life. They submit that all the accused have criminal antecedents. However, condition can be put that bail of the applicants will be cancelled, if they indulge in the same activities again.

5. Learned APP for the respondent-State submits that the applicants were running a slaughter house without licence.

Offence is serious in nature. Hence, he prayed for rejection of the applications.

6. Charge-sheet is filed. All the offences except offence under Section 9 of the Maharashtra Animal Preservation Act is non-bailable. The Wada is owned by Abdul Wahed Abdul Kareem Qureshi, Nawaj Qureshi and Jahir Kureshi and Parvez Qureshi. On perusal of the charge-sheet, it appears that some witnesses have stated that they provided cattle to the slaughter house. All these animals were found in the Wada and the Wada belongs to all the applicants. Except their oral statements, there is nothing to show that these cattle were sold by these persons for slaughtering. Considering the quantum of punishment, I am inclined to release the applicants on bail by imposing certain condition. In view of this, following order is passed : -

ORDER

- i) Bail Application Nos.268 of 2022, 49 of 2022 and 200 of 2022 are allowed.
- ii) Each of the Applicants be released on P.R.Bond of Rs.45,000/- (Rs.Fourty-five thousand only) with one solvent surety in the like amount, in connection with Crime No.0518 of 2021, registered with Sangamner City Police Station, District Ahmednagar, under Sections 269, 429 read with

Section 34 of the Indian Penal Code, under Sections 5(a), 5(b), 5(c), 9(a) and 9 of the Maharashtra Animal Preservation Act and under Sections 3 and 11 of the Prevention of Cruelty to the Animal Act, and on condition that they shall not indulge in similar activities again. If they enter in similar activities again, prosecution is at liberty to move the Court for cancellation of bail.

iii) All the Bail Applications are disposed of.

iv) It is clarified that the observations made in this order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M.G.SEWLIKAR)
JUDGE

SPT