

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

**912 ANTICIPATORY BAIL APPLICATION NO.207 OF 2022**

**SHOAIBUDDIN @ SAIFUDDIN S/O KABIRODDIN KAZI**

**VERSUS**

**THE STATE OF MAHARASHTRA**

...

Mrs. Sabahat T. Kazi, Advocate for the applicant

Mr. V.M. Kagne, APP for the respondent

...

**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 09<sup>th</sup> MARCH, 2022**

**PER COURT :**

1           The applicant is apprehending his arrest in connection with Crime No.333/2021 dated 21.11.2021 registered with Deopur Police Station, Dist. Dhule, for the offence punishable under Section 395, 504 of the Indian Penal Code, 1860 and under Section 3, 25 of the Arms Act, 1959.

2           Heard learned Advocate Mrs. Sabahat T. Kazi for the applicant and learned APP Mr. V.M. Kagne for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3           Perusal of the First Information Report would show that one vehicle had brought Jersey cows from Punjab to Malegaon and those cows

were forcibly taken away, so also, the amount was snatched from the Driver and the Cleaner to the tune of Rs.15,000/-, however, out of that amount again Rs.10,000/- was given back to the driver and the cleaner so that they can go back to their State and then it is stated that the accused persons have committed this offence by showing pistol and some sharp weapon and giving threats to said driver and cleaner. Interestingly the informant is not that driver or cleaner. He claims to be the President of The Tiger Heart Muslim Gouraksha Seva and Multipurpose Society. He was told about the said incident by one Shaikh Yusuf Shaikh Budhan. The incident is stated to have taken place on 14.11.2021 and the First Information has been lodged on 21.11.2021, though on the same day of incident the informant is stated to have got knowledge about the incident. But then he says that he made inquiry with the local businessman dealing in cattle and then came to know that the accused persons have done the act. The First Information Report does not contain the name of the present applicant. The police papers show statements of witnesses recorded, so also, the statement of Shaikh Yusuf Shaikh Budhan has been recorded for whose purpose or on whose order those cows were brought from Punjab. He has given the name of the driver. However, it appears that the driver has not yet contacted the police or he is refusing to come even for identification parade, in respect of certain accused persons, who have been arrested uptill now. The statement of hotel owner,

where the Truck has halted has also been taken. When the specific role of the applicant is not coming forward, he deserves to be protected. Hence, following order.

**ORDER**

1           Application stands allowed.

2           In the event of arrest of the applicant viz. **Shoaibuddin @ Saifuddin s/o Kabiroddin Kazi**, in connection with Crime No.333/2021 dated 21.11.2021 registered with Deopur Police Station, Dist. Dhule, for the offence punishable under Section 395, 504 of the Indian Penal Code, 1860 and under Section 3, 25 of the Arms Act, 1959, he be released on P.R. of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties of Rs.25,000/- (Rupees Twenty Five Thousand only) each.

3           The applicant shall not indulge in any criminal activity nor he should tamper with the prosecution evidence, in any manner.

4           He should cooperate with the investigation and shall attend the Deopur Police Station, Dist. Dhule, on every Monday and Thursday between 10.00 a.m. to 02.00 p.m., till filing of charge sheet.

( Smt. Vibha Kankanwadi, J. )