

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 404 OF 2022

1. Abidurhaq Abudul @ Abdul Jabbar
2. Kalim Salim Khan
Applicants

Versus

The State of Maharashtra

Respondent

Mr. S. S. Jadhav, Advocate for the applicant.
Mr. V. S. Badakh, APP for respondent/State.

CORAM : M.G. Sewlikar, J.

DATE : 5th APRIL, 2022.

PER COURT :

1. Heard.
2. It is alleged in the First Information Report that the Police received information that accused were running cow slaughter house 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 12000 kgs. was found. This slaughter house was being run

in a Wada. Both the applicants were found in the near-by locality and on seeing the Police they ran away. They were apprehended. Some accused were seen in the Wada. On these allegations, First Information Report came to be lodged against the applicants on the basis of which Crime No. 0518/2021 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 Animals Act. Both the applicants were arrested.

3. Shri Jadhav, learned counsel for the applicants, submits that all the offences are bailable except the offence under Section 9 of the Maharashtra Animal Preservation Act. Punishment provided for the offence is imprisonment of either description of minimum term of six months which can be extended upto 5 years.

4. Learned APP Shri Badakh submits that the applicants are running a slaughter house without licence. He submits that similar offences are pending against both the applicants. Therefore, if they are released on bail, they will commit the same offence again.

5. Charge-sheet is filed.

6. All the offences except offence under Section 9 of the Maharashtra Animal Preservation Act are bailable. The Wada is owned by Abdul Wahed Abdul Kareem Qureshi, Nawaj Qureshi, Jahir Kureshi and Parvez Qureshi. All the animals were found in the Wada and the Wada belongs to all the applicants. Some witnesses have stated that they provided cattle to the slaughter house. No evidence in this regard is produced except oral statement. Except oral statement, there is nothing on record to show that these cattle were sold by the applicants for slaughtering. Considering the quantum of punishment, I am inclined to release both the applicants on bail by imposing certain conditions. Hence the following order :-

ORDER

i) Application is allowed.

ii) Each of the applicants be released on PR Bond of Rs.45,000/- (Rs. Forty Five Thousand) with one solvent surety each in the like amount in connection with Crime No. 0518/2021 registered with Sangamner City Police Station, District

Ahmedangar, under Sections 269, 429 read with Section 34 of the Indian Penal Code, 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 Animals Act, on condition that they shall not indulge in similar type of activities again and if the applicants enter into similar activities again, their bail bonds shall stand automatically cancelled.

iii) Application stands disposed of.

iv) It is clarified that the observations made in the above 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