

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

BAIL APPLICATION NO.1640 OF 2022

SHAIKH RAFIQ S/O. SHAIKH HABIB AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Mr. Hamzakhan I. Pathan, for the Applicant;
Mr. K. S. Patil, APP, for the Respondent – State

CORAM : S.G. MEHARE, J.
DATE : NOVEMBER 09, 2022.

P.C.

1. Heard learned Counsel appearing for the applicant.
2. Perused the papers and the first information report.
3. Learned Counsel appearing for the applicant would submit that the applicants have been falsely implicated in the crime. The allegations leveled in the FIR itself are not believable. Pelting the stones on the public vehicle from the running vehicle is impossible. The applicants have no concern with the said incident. Nothing is to be recovered from the applicants. They have cooperated with the investigation. The applicants are behind bar for sufficient period. The animals allegedly stolen have been given to its owner on

supurtnama and few of the animals were given to Goshala. The applicants are ready to abide by the conditions, if any imposed while enlarging them on bail.

4. Learned APP opposed the application contending that the offence is serious; however, the alleged vehicle in which the animals were transported has been seized. Injuries suffered by the injured were simple. The investigation is over. He also states that so called animals have also been released on supurtnama.

5. Perusal of the FIR reveals that the applicants were apprehended from the spot of the incident. They have been investigated thoroughly. The police papers do not disclose that the further detention of the applicants is required. The trial may takes its own time; hence, it would be inappropriate to keep them behind bar. Hence, the following order :

O R D E R

- i) The application is allowed.
- ii) Applicants no. (1) Shaikh Rafiq s/o Shaikh Habib, (2) Shaikh Sabir s/o Shaikh Pasha, (3) Shaikh Zakir @ Zaker s/o Mansar Qureshi be

released on bail, on furnishing PB and SB of Rs. 50,000/- each, with one solvent surety of the like amount, in CR No.414, dated 22.08.2022 registered with Police Station Ahmedpur, Dist Latur for the offences punishable under Sections 307, 553, 332, 336, 379, 279, 440, 120-B of the Indian Penal Code, Section 3 of Prevention of Public Property Damage Act, 1984, Section 7 of Criminal Amendment Act, 1983, Sections 5A(1) & 9 of Maharashtra Cattle Protection Act, 1976, Section 11(1)(d) of Prevention Cruelty to Animal Act, 1960 & Sections 177 & 182 of Motor Vehicles Act, on the condition to attend the police station as and when called by the investigating officer, on written notice.

(S. G. MEHARE, J.)

Umesh