

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 142 OF 2022

Rauf Yakub Qureshi

...Applicant

vs.

The State of Maharashtra

...Respondent

Ms.Shweta Yadav i/b. SAVJ Law Solution for Applicant.

Mr.A.A. Takalkar, APP for State.

Mr.Chirame, PSI, Navghar Police Station.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 22 MARCH 2022

PC. :

. This is an application under Section 438 of Cr.PC. filed by the Applicant for pre-arrest bail in C.R.No.39 of 2021 registered with Navghar Police Station, Mumbai, for the offences under Section 429 read with 34 of IPC and Section 412 of MMC Act and Sections 5, 5(c), 9, 9A of Maharashtra Animal Preservation Act, 1976.

2. Heard Mr.Yadav, learned Counsel for the Applicant and Mr.Takalkar, learned APP for the State. I have perused the records and considered the submissions advanced by learned Counsel for the respective parties.

3. The case of the prosecution in brief is that on 12 January 2020 at about 5.00 a.m. the complainant, Shri Budha Gunaji Lande, Assistant Police Sub-Inspector, received a reliable information of some suspected goods being transported in tempo no.MH-03-CV-1046 and that the said

tempo would be coming near Anand Nagar Toll Naka, Mulund. The complainant and the staff intercepted the said tempo and that some meat was recovered from the tempo. The said tempo was brought to the police station and it was confirmed that cow meat, which is prohibited under the law, was being transported for sale. Undisputedly, the Applicant was not present at the spot when the said tempo was intercepted. The accusation against the Applicant is based on the statement made by the co-accused, the driver of the tempo, stating that the said meat was being transported at the instance of the Applicant.

4. It is not in dispute that the tempo is not registered in the name of the Applicant. Learned APP states that the owner of the tempo has claimed that he has sold the tempo to the Applicant. Apart from the bare statement of the owner, there is absolutely no material to show that the tempo was transferred in the name of the Applicant or that he was, in any way, involved in the aforesaid crime.

5. It is also to be noted that though the vehicle was intercepted on 12 January 2020, the FIR has been lodged on 7 March 2021, i.e. after a period of more than a year. Considering the delay in lodging the FIR and also considering that there is no *prima facie* material to show the involvement of the Applicant in the said crime, in my considered view, the Applicant is entitled for pre-arrest bail. Hence, the following order :

(a) In the event of arrest of the Applicant in C.R.No.39 of 2021 registered with Navghar Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand)

with one or two sureties in the like amount.

(b) The Applicant shall report to the Investigating Officer for four days from 28 March 2022 between 11.00 a.m. and 2.00 p.m. and as and when required by the Investigating Officer for the purpose of interrogation.

(c) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact number, and/or change of residence or mobile details, if any, from time to time.

6. The application is disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)