

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2924 OF 2021

Muzaffar Anwar Shaikh	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr. Shyamrishi Pathak a/w. Mr. Ganesh Singh, for the Applicant.
Mr. S. R. Agarkar, APP for the Respondent / State.
B. C. Gavit, PSI Shirgaon Police Station, Pimpri, Chinchwad City.

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CORAM : C.V. BHADANG, J.
DATE : 8 MARCH 2022

P.C.

. By this Application, the Applicant – Accused, is seeking release on bail in Crime No.164/2021 of Police Station Talegaon Dabhade, Pimpri Chinchwad, Pune, under Section 307, 279, 337 and 338 r/w. Section 34 of IPC and Section 134 and 177 of the Motors Vehicle Act and Section 5(C), 5(D), 9(A) and 9(B) of Maharashtra Animal Preservation Act, 1995.

2. The aforesaid crime is registered on the basis of the complaint dated 18 April 2021 lodged by Police Naik Deepak Dattatray Kate.

A Ritz Car bearing No.MH04-ET-4946 was found carrying meat / beef at Urse toll naka on Mumbai Pune Expressway. There were two persons in the said vehicle. The informant tried to intercept and stop the vehicle. The Applicant (who according to the prosecution was driving the vehicle) had driven the vehicle on the person of the informant and he was dragged on the bonnet of the vehicle at some distance, in which the informant sustained injuries. On the basis of such complaint, the offence came to be registered and after investigation, a chargesheet is filed.

3. I have heard the learned counsel for the parties. Perused record.

4. This Application was adjourned in order to enable the learned APP to examine the record and to make a statement whether there is any Test Identification Parade (TIP) conducted and/or whether the Applicant has been seen in CCTV footage at the toll naka.

5. Today, the learned APP states that there is no TIP conducted. In so far as CCTV footage is concerned, it is indeed available. However, there is no specific statement made and there is nothing on record to show that the CCTV footage was shown to the informant / victim and he has identified the Applicant to be the person who was driving the vehicle. It is necessary to note that the

Applicant was arrested on 19 April 2021. Even according to the prosecution, there were two persons in the said vehicle and one of the persons had fled from the spot who is shown as absconding accused Hanif Qureshi.

6. Be that as it may, considering the fact that it is not shown that there was a TIP conducted in which the Applicant has been identified as a driver of the vehicle nor it is shown that the Applicant has been seen driving vehicle in CCTV footage and further having regard to the fact that the investigation is complete and the chargesheet is filed, the following order is passed.

ORDER

- (i) The Criminal Bail Application is allowed.
- (ii) The Applicant Muzaffar Anwar Shaikh, be released on bail in Crime No.164/2021 of Police Station Talegaon Dabhade, Pimpri Chinchwad, Pune, on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.
- (iii) The Applicant shall file his residential address alongwith proof, before the learned Sessions Judge.
- (iv) The Applicant shall undertake to remain present before the learned Sessions Judge during the course of trial, unless exempted.

(v) The Applicant shall not directly or indirectly make any attempt to tamper with the prosecution evidence or witnesses.

C.V. BHADANG, J.