

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1898 OF 2022

Mohammad Joher Yusuf Shaikh @ Salman] .. Applicant
vs.
State of Maharashtra] .. Respondent

Mr.Viresh Purwant, for the Applicant.

Smt.A.A. Takalkar, APP for the State.

API Y.A. Jadhava, Tarapur Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 25th AUGUST, 2022.

P.C.

1] The Applicant is apprehending arrest in CR No. 003/2022 registered with Tarapur Police Station, Palghar, which invoke Section 307, 353, 332, 269, 429 read with 34 of the Indian Penal Code and Section 25(1-C) and 4 of the Arms Act and also Section 5A and 9A of the Maharashtra Animal Preservation Act and under Section 3 and 11 of the Prevention of Cruelty to Animal Act.

2] The complaint came to be lodged by one Ramesh Hadal , Police Hawaldar attached to Tarapur Police Station, to the effect that some information is received, that the persons who are residing in Tarapur are engaged in slaughtering of bull and bullocks, brought by the present Applicant. Accordingly station diary entry was taken and raiding team proceeded to the spot.

3] The complainant in his complaint has given version of the happenings and though he do not name the present Applicant, but he stated that when they reached the spot, he found certain persons with knives in their hands and it is alleged that one Ansari Damanwala asked them to leave otherwise, the team was threatened that they would be killed. When an attempt was made to apprehend him, his sons Atik and Abdul Hamid are alleged to have assaulted, the raiding team and obstructed them in discharging their official duties.

4] The complainant has specifically stated that when Shoaib was attempted to be apprehended, he mounted an attack with the knife in his hand and since the complainant was a trained officer, he was successful in evading the said attack and the blow landed on his arm. His uniform was torn and he sustained injury. It is alleged that Suleman Patni assaulted the police Havaladar Rathod, when he was apprehended he caused injury to him.

At the end of the complaint, it is mentioned that 11 named persons and 2-3 unknown persons were indulged in illegal slaughtering which is apprehended under the relevant provisions of law.

5] If the injury certificate of the complainant is perused, it refer to abrasion on left arm and incision on left forearm, which injuries are described as simple one.

In any case, these injuries are attributed to the co-accused Shoaib.

6] The learned APP has placed reliance on the statement of one PC Rathod, who was also injured in the incident who corroborate the complainant to the effect that Shoaib mounted an attack on the

complainant and Havaladar Patil and assaulted PC Rathod.

7] In the wake of above narration clearly surfacing on record, custodial interrogation is not necessary, to ascertain his role in the incident. Needless to mention that the Applicant shall render his cooperation in the investigation.

The observations made above are prima facie in nature and limited for the purpose of determination of the present Application and the learned Judge trying the Applicant for the offences, with which he is charged, shall not in any manner be influenced by the above order.

Hence, the following order :

ORDER

(a) Application is allowed.

(b) In the event of arrest in connection with C.R.No.003/2022 registered with Tarapur Police Station, the applicant Mohammad Joher Yusuf Shaikh @ Salman shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(c) The applicant shall report to the concerned police station on 05.09.2022 and 06.09.2022 and thereafter as and when called for.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

[BHARATI DANGRE, J]