

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.802 OF 2022

Kasim S/o Afzal Hussai .Vs. State of Maharashtra, through P.S.O., P.S. Pauni, Tah.
Pauni, Dist. Bhandara.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Abdul Bashir, Advocate for the applicant.

Ms Shamsi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 07/12/2022

1. Heard.
2. The applicant is seeking pre-arrest bail in Crime No.272 of 2022, registered with Police Station: Pauni, District: Bhandara, for the offences punishable under Sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code.
3. The prosecution story is that, the President of Baliram Gomata Sevabhavi Sanstha Sirsala received cattles seized by police in various crimes under cruelty to Animal Act. It is further alleged that the president of Sanstha illegally sold the cattles and represented that cattles have died. It is further alleged that president of Sanstha in collusion with veterinary doctors prepared bogus post mortem report and death certificate. After detailed enquiry, above said offence has been registered against 17 persons.

4. The applicant is a businessman and his name is not mentioned in the FIR, however, on a statement of co-accused, he has been arraigned as accused. As per the statement of the co-accused, he used to sell the cattle to the applicant. However, considering the fact that there is nothing incriminating against the applicant except the statement of co-accused, I am of the opinion that the applicant is entitled for grant of bail.

5. The learned APP while pointing out the antecedents, she has pointed out that one offence of similar nature was registered against the applicant. However, in absence of any *prima facie* evidence in this case against the applicant, on the basis of antecedent, the applicant cannot be denied bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in the event of arrest of the applicant in Crime No.272 of 2022, registered with Police Station: Pauni, District: Bhandara, for the offences punishable under Sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code, the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station on every Friday and Saturday between 10.00 a.m. to 12.00 noon, till the filing of the charge-sheet.

The criminal application is **disposed of** accordingly.

JUDGE