

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 826 OF 2023
AREF ANIS QURESHI
VERSUS
THE STATE OF MAHARASHTRA**

Mr. R. P. Patwardhan, Advocate for the applicant
Mr. V. S. Badakh, APP for the respondent/State

**CORAM : R. M. JOSHI, J.
DATE : 13th JUNE, 2023**

P.C. :-

1. The applicant apprehends arrest in connection with C.R. No. 85/2023 registered with Kranti Chowk Police Station, Dist. Aurangabad City for the offences punishable under Section 5(B) of The Maharashtra Animal Preservation Act, 1951 and Section 11 of the Prevention of Cruelty to Animals Act, 1960.

2. On 14/03/2023 cleanliness supervisor of Municipal Corporation, Aurangabad lodged report stating that a secret information was received about the illegal slaughtering of animals being taking place at Sille Khana area, Aurangabad. Along with police personnel he inspected 4 cattle sheds in the said area and in one of the cattle shed it was found that four cattle's were found with mouth and legs tied with rope. Nobody was found in the said building, however, since it was revealed that the said cattle's belonged to the applicant, offence came to be registered against

him.

3. Learned counsel for the applicant states that the applicant is in the business of trading of cattle and has been issued license to that effect by the appropriate authority., It is stated that there is nothing on record to indicate that the cattle's were brought for the purpose of slaughtering or any attempt to slaughter them was made.

4. Learned APP opposed the application with the submissions that the manner in which the cattle's were kept is sufficient to indicate the intention for which they were brought to the cattle shed.

5. Applicant has placed on record the license issued for trade in the cattle by the Municipal Corporation. Thus, mere possession of the cattle's by the applicant is not an offence. As far as the case of the informant is concerned, he claims that cattle's were tied and they were brought for the purpose of slaughtering. Perusal of the spot panchnama shows that though the cattle's were tied, there is nothing to indicate that any preparation was done for slaughtering them. Applicant is having license to trade in cattle's and this indicates that he is bound to possess cattle's. Mere possession of cattle's cannot be inferred to have been brought for

slaughtering. The investigation conducted till date at the most only indicates that the cattle's belonged to the applicant herein but evidence about attempt to slaughter them is absent. In view of these facts that the liberty of the applicant deserves to be permitted. Hence the order.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No. 85/2023, registered with Kranti Chowk Police Station, Dist. Aurangabad City for the offences punishable under Sections 5(B) of The Maharashtra Animal Preservation Act, 1951 and Section 11 of the Prevention of Cruelty to Animals Act, 1960, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.
- (iii) Applicant is directed to appear before the concerned Investigating Officer once a week till filing of the charge-sheet.
- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

ssp