

Nikita

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

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ANTICIPATORY BAIL APPLICATION NO.2073 OF 2023

Zuber Samir Mirasi

... Applicant

V/s.

The State of Maharashtra

... Respondent

Adv. Prasad B. Kulkarni a/w Adv. Ganesh Khade, a/w
Adv. Tanmay S. Karwa for the Applicant.

Mrs. Veera Shinde, APP for the State/Respondent.

CORAM : AMIT BORKAR, J.

DATED : 24TH JULY, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.505 of 2023 registered with Kondhwa police station, Pune for offences punishable under Sections 332, 353, 201, 143, 147, 149, 429, 506 r/w 34 of the Indian Penal Code, 1860 (for short 'IPC') and under Sections 5, 5(c), 9, 9(a), 9(b), 11 of the Maharashtra Animal Preservation Act, 1995, the applicant is seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.).

2. According to the prosecution, the informant went at the spot of incident for seizure of the cattles which were kept for slaughtering purpose. The applicant along with other 10 to 15 persons went on informant had assaulted and manhandled to the informant. The informant lodged report against the applicant. The

applicant, therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 5 July, 2023.

1. On prima facie, perusal of case diary and other material produced on record, it appears that no specific role has been attributed to the applicant. The incident has not been resulted into causing any injury. In the absence of specific role attributed to the applicant, therefore, custodial interrogation of the applicant is not required. At this stage, the applicant deserves to be protected. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.505 of 2023 registered with Kondhwa police station, Pune for offences punishable under Sections 332, 353, 201, 143, 147, 149, 429, 506 r/w 34 of IPC and under Sections 5, 5(c), 9, 9(a), 9(b), 11 of the Maharashtra Animal Preservation Act, 1995, the he be released on bail on furnishing P.R. bond in the amount Rs.25,000/-, along with one or two sureties in the like amount.

b) The applicant shall remain present before the concerned police station on 26th and 28th July 2023, and 1st September 2023 between 11:00 am to 2:00 pm and thereafter, as and when called by the investigating officer.

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any

witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

3. The anticipatory bail application stands disposed of. No costs.

(AMIT BORKAR, J.)