

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

CRIMINAL APPLICATION (ABA) NO.430/2023

Ahesan @ Bablu Abdul Samad Qureshi
Vs.
State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.N Ali, Advocate for applicant.
Mr. A. M. Kadukar, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/08/2023

1. Present application is filed for grant of anticipatory bail in connection with Crime No.413/2023 for offences punishable under Sections 279 of the Indian Penal Code read with Sections 83, 184, 177 of the Motor Vehicles Act read with Section 5 (C) 9 (B) of the Maharashtra Animal Preservation Act read with Sections 11(1)(e), 11(1)(f), 11(1)(h), 11(1) (d) of the Prevention of Cruelty of Cruelty to Animals Act, read with Section 119 of the Maharashtra Police Act with Police Station, Yashodhara Nagar, District Nagpur.

2. The applicant is apprehending arrest at the hands of the police, as accusation against the present applicant is that on 10.6.2023 to 11.6.2023 between 9.00 p.m. to 10.00 p.m., the informant was on duty and during night hours while patrolling with the staff, confidential information was received that white colour

pick-up van bearing registration No.MH-32/Q 6245 is proceeding towards automotive square; and in that vehicle, animals are carried. It is further alleged that the animals were tied in the said vehicle in cruel manner and cruelty was caused to the said animals. Accordingly, the said vehicle was restrained and co-accused was arrested by the police. It is alleged that on the basis of statement of the co-accused, the said animals were carried for the slaughtering business and present applicant is dealing with the same.

3. As per the contention of the present applicant that he is not dealing with the slaughtering business. Merely on suspicion, his name is implicated in the alleged crime. In fact, the entire animals were recovered from the possession of the co-accused. Except the statement of the co-accused, no other material is to show involvement of the present applicant. In view of that, the present applicant be protected by granting anticipatory bail.

4. The said application is strongly opposed by the State on the ground that the applicant is dealing with slaughtery business. The co-accused has carried all the animals in such a manner which caused cruelty to the animals and thereby the offence is committed. The said animals were carried to sale it out for slaughtering purpose. Thus, prima facie case is there and hence, his prayer for grant of bail deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. Admittedly, co-accused was found in possession of the said animals while carrying in the vehicle. As far as role of the present applicant is concerned, it reveals that only on the basis of statement of the co-accused, no other material was collected by the Investigating Officer against the applicant. There are no other criminal antecedent against the present applicant. In view of that, the application of the applicant for grant of anticipatory bail deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

i. In the event of arrest, applicant – Ahesan @ Bablu Abdul Samad Qureshi, in connection with Crime No.413/2023 registered with Police Station, Yashodhara Nagar, District Nagpur, punishable under Sections 279 of the Indian Penal Code read with Sections 83, 184, 177 of the Motor Vehicles Act read with Section 5 (C) 9 (B) of the Maharashtra Animal Preservation Act read with Sections 11(1)(e), 11(1)(f), 11(1)(h), 11(1) (d) of the Prevention of Cruelty of Cruelty to Animals Act, read with Section 119 of the Maharashtra Police Act, be released on bail on he executing PR bond in the sum of Rs. 25,000/- with one surety in the like amount.

ii. The applicant shall attend Police Station as and when required and shall cooperate with the Investigating Agency.

iii. The applicant shall furnish his cellphone number and address with address proof.

iv. The applicant shall not induce, threaten or pressurize any witnesses, who are connected with the alleged crime.

(URMILA JOSHI-PHALKE, J.)

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