



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 CRIMINAL WRIT PETITION NO. 1426 OF 2024

SHAIKH SHERU SHAIKH DASTAGIR

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for the Petitioner : Mr. Shaikh Abid R.

APP for Respondent-State : Ms. V. S. Choudhari.

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CORAM : S. G. MEHARE, J.

DATE : 29.08.2024

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. Issue notice to the respondent.
3. The application of the applicant/present petitioner for releasing the vehicle involved in the crime under Section 451 was rejected on the ground that twice before this crime, the same vehicle was released on suprutnama. However, he violated the conditions. The learned Judicial Magistrate First Class specifically noted in impugned order that the vehicle in question is being repeatedly used in like offences or to say particularly at least in three like offences when the Court has handed over the vehicle in question. Hence, the applicant is

not entitled get released the said vehicle in question. The revisional Court also confirmed the findings recorded by the learned Judicial Magistrate First Class.

4. The learned counsel for the applicant submits that no undertaking as such was furnished before the Court that he would not use the vehicle for identical crime. Therefore, vehicle be released on imposing conditions.

5. Learned APP would submit that the conduct of the applicant is apparent that he is encouraging the crime against the animals. Two times the Court granted him the interim custody. However, unfortunately he did not stop carrying the animals in the same vehicle. Therefore, the reasons recorded by the learned Magistrate as well as the revisional Courts are legal, proper and correct.

6. Perusal of the impugned orders of both Courts appear legal, correct and proper. Now, the applicant cannot be trusted that he would not use the vehicle in question for committing the similar crime. It is a question of protection of animals from the cruelty. The conduct of the petitioner is sufficient not to believe him that he would not again involve in offence of

committing the cruelty against the animals. As observed above, there is no substance in this writ petition.

7. Hence, writ petition dismissed at the admission stage.

(S. G. MEHARE, J.)

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vmk/-