



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

984 BAIL APPLICATION NO. 2214 OF 2024

1] SHAIKH SHAVKAT SHAIKH MIYA
2] SHAIKH SAYBAN S/O.SHAIKH ABDUL
3] SHAIKH SIDDIQUI S/O. SHAIKH NANHU
4] SHAIKH RAVED S/O. SHAIKH IMAM

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr.P.P.Giri
APP for Respondent-State : Mrs.V.S.Chaudhari

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CORAM : ARUN R. PEDNEKER, J.

DATE : 18.12.2024

P.C. :

1] Heard learned counsel for the applicants and the learned APP for the respondent-State.

2] The applicants are seeking bail as they are arrested on 26.10.2024 in connection with Crime No. 0258 of 2024, registered with Himayatnagar Police Station, District Nanded, for the offences punishable under sections 109, 121 (1), 324 (4), 3 (5) of the Bhartiya Nyaya Sanhita, 2023 and under Section 13, 11 (1) (a), 11 (1) (e), 11 (1) (f), 5 (a) and 5 (b) of the Prevention of Cruelty to Animals Act, 1960 and under Section 47 (a), 48, 50 and 56 (c) of the Transport of Animal Rules, 1978 and under Section 125 of the Motor Vehicles Act, 1989.

3] It is the contention of the applicants that the applicants are in two wheeler and the allegations in the FIR are that the four wheeler vehicles dashed the barricading and thereafter two wheeler vehicles followed them. Thus, it is not the case of the informant that the persons riding two wheeler vehicles gave dash to the barricades. The applicants were were found suspiciously moving around the place of incident. On the basis of suspicion, the FIR is lodged against the applicants and the applicants are arrested.

4] The learned APP submits that the applicant has stated the name of the driver of Bolero and the occupants of the Bolero. However, they are absconding.

5] *Prima facie*, there is no material available to connect the applicants in the alleged crime. The applicants are in custody from 26.10.2024. The driver of Bolero and occupants of Bolero are absconding. As such, *prima facie* there is no connecting evidence against the applicants to the crime. In view of the above, the application is allowed in the following terms :

a] The applicants shall be released on bail in connection with Crime No. 0258 of 2024, registered with Himayatnagar Police Station, District Nanded, for the offences punishable under sections 109, 121 (1), 324 (4), 3 (5) of the Bhartiya Nyaya Sanhita,

2023 and under Section 13, 11 (1) (a), 11 (1) (e), 11 (1) (f), 5 (a) and 5 (b) of the Prevention of Cruelty to Animals Act, 1960 and under Section 47 (a), 48, 50 and 56 (c) of the Transport of Animal Rules, 1978 and under Section 125 of the Motor Vehicles Act, 1989, on furnishing PR bond of Rs.20,000/- each, with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicants, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicants shall co-operate with the trial Court and they shall attend each and every date, unless exempted by the trial Court.

d] The applicants shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicants, upon being released on bail, shall place on record of the trial Court the details of their Contact Number and residential address with updates in case of any change.

6] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

7] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC