

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

Anticipatory Bail Application No.3053 of 2024

Ashraf @ Lala Kadir Shaikh
Age 57 years, Occ. Business,
R/at. 361, Wada Road, Near
High School, Mahapoli,
Tal. Bhiwandi, Dist. Thane.

... Applicant

Vs.

The State of Maharashtra
(At the instance of Ganeshpuri
Police Station, Vide C.R. No.I 120/2024)

... Respondent

Mr Arbaz Agaskar, for the applicant.
Mr Amit A Palkar, APP, for the respondent/ State.

Coram: R.N. Laddha, J.
Date: 6 December 2024

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.120 of 2024, registered with Ganeshpuri Police Station, Thane Rural, for the offence punishable under Sections 303(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 5A, 5B, and 9 of the Maharashtra Animal Preservation Act, 1976, Section 11(1)(f) of

the Prevention of Cruelty to Animals Act, 1960, and Sections 47 to 52 of the Motor Vehicles Act, 1988.

2. The prosecution alleges that on 30 July 2024, the applicant, along with the co-accused, unlawfully took possession of the informant's cattle while they were grazing, intending to slaughter the animals.

3. Mr Arbaz Agaskar, the learned Counsel appearing on behalf of the applicant, contends that the applicant is not named in the FIR, and no specific role has been attributed to him in the remand report. The applicant has been falsely implicated in the crime based solely on the statement of the co-accused. There is nothing on record to connect the applicant to the alleged crime. The learned Counsel emphasises that the animals have already been recovered from the co-accused, who are now out on bail. The applicant has no criminal antecedents and is willing to comply with any conditions set by the Court.

4. Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State, highlighting the gravity of the offence, submits that the applicant, in connivance with the co-accused, stole the informant's cattle for slaughter. However, he acknowledges that the investigation is nearing its conclusion. If the applicant is granted pre-arrest bail, he may tamper with

the evidence or influence the witnesses.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar.

6. Upon perusing the records, it appears that the allegations against the applicant are bereft of details. The allegedly stolen animals have been recovered from the co-accused, who have already been released on bail. Except for the statement of the co-accused, *prima facie*, there is no material on record to connect the applicant to the crime. Additionally, the applicant has no criminal antecedents. Since the investigation is almost complete, and no further recovery or discovery remains pending, the custodial interrogation of the applicant is unwarranted. The prosecution's apprehensions about evidence tampering and witness influence can be addressed by imposing appropriate conditions. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.120 of 2024, registered at Ganeshpuri Police Station, Thane Rural, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and

furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required.

(iii) The applicant, himself or through any other person, shall not indulge in any activity that may tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)