

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

Anticipatory Bail Application No.3395 of 2024

Shoeib Amir Khan

Age 37 years, Occu-self employed

Indian Inhabitant of Mumbai,

Amir Khan Chawl, Arey Milk Colony Road,

Opposite Tempo Naka Pathanwadi,

Filter Pada, Powai Nitie,

Mumbai- 400 087

... Applicant/
Accused No.2

Versus

The State of Maharashtra

(Powai Police Station)

... Respondent

Mr Bablu J Shaikh, a/w. Mr Santosh Madkam, for the applicant.

Mr Arfan Sait, APP, for the respondent/ State.

PSI Rahul Patil, a/w. Pairavi PSI Prakash Sonwane, Powai Police Station, are present.

Coram: R.N. Laddha, J.

Date: 18 December 2024.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.900 of 2024, registered at Powai Police Station, Mumbai, for offences punishable under Sections 325 of the Bhartiya Nyaya Sanhita, 2023 and Sections 5 and 9 of the Maharashtra Animal Preservation Act,1976.

2. According to the prosecution, on the night of 13

November 2024, an incident occurred in front of the informant's shop. Acting on the instructions of the applicant, the co-accused placed a gunny bag at the location. This bag contained severed head of a cow and its two legs.

3. The learned Counsel for the applicant submits that the applicant has been falsely implicated in the present crime. Aside from the statement of the co-accused, nothing is on record to connect the applicant with the present crime. The applicant and the informant had a prior dispute, and to settle the score the informant lodged a false complaint against the applicant.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, submits that the CCTV footage has clearly shown the applicant's involvement in the crime. The motorcycle used to transport the cow's head and legs, was identified as belonging to the applicant and was subsequently found at his residence. The investigation is at a nascent stage and releasing the applicant at this point would jeopardised the ongoing investigation.

5. Upon perusing the records, it appears that the incident was captured on CCTV footage. The bike used to transport the cow's head and legs is registered in the name of the applicant and was found parked in front of his residence. Additionally,

the co-accused who has been apprehended has implicated the applicant in the crime. There was a pre-existing dispute between the applicant and the informant. The investigation is at a nascent stage and granting the pre-arrest bail at this stage, may impede the investigation. Given the above, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

[R.N. Laddha, J.]