

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3479 OF 2024

Rabbani Farooque Kaularikar ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.3501 OF 2024

Akram Abdul Shaikh ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Nouman Shaikh for Applicant in ABA/3479/2024.

Mr. V. V. Purwant for Applicant in ABA/3501/2024.

Mr. Kiran C. Shinde, APP for Respondent-State in both the Applications.

Mr. Gautam Chhabildas Bari, Head Constable, Tarapur Police Station, Palghar.

CORAM : MANISH PITALE, J.

DATE : DECEMBER 20, 2024

P.C. :

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

2. The applicants are apprehending arrest in connection with FIR No.0054 of 2024 dated 21.09.2024 registered with Tarapur Police Station, District - Palghar, for offences under Sections 11(1)(f) and 11(1)(l) of the Prevention of Cruelty to Animals Act, 1960; Sections 5 and 6 of the Maharashtra Animal Preservation Act, 1976; and Sections 325 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The FIR is registered on the statement of a police constable, who was a part of a raiding team, which raided the premises on information received that, certain individuals were indulging in the act of cow

slaughter and dealing with such meat pertaining to the cows slaughtered.

4. It is alleged that the six persons at the spot included the applicants herein. The names of the applicants are also mentioned in the FIR.

5. The learned counsel for the applicants submit that the *panchanama* executed in the presence of *panchas* and even the FIR would indicate that only three persons were apprehended from the spot and three persons allegedly fled away, taking advantage of the darkness. He submitted that therefore, the only basis on which the applicants have been named in the FIR and they are sought to be apprehended is the statement given by the co-accused persons. It is submitted that the applicants are ready to co-operate with the investigation.

6. The learned APP, on the other hand, emphasized the fact that the huge amount of such meat was recovered from the spot where six persons were present. The names of the applicants along with co-accused persons are specifically mentioned in the FIR and the *panchanama* executed in the present case in the presence of *panchas* confirms the suspicion of the raiding team.

7. Having perused the material on record, this Court is inclined to grant relief to the applicants, for the reason that presently, the only material that appears to connect the applicants with the incident in question is the statement of the co-accused persons. The *panchanama* itself records that while three accused persons were apprehended at the spot, three other persons escaped, taking advantage of darkness. The statements of witnesses, in the present case, are those of members of the raiding party, who are all police personnel. *Prima facie*, they appear to have named the applicants on the basis of information received before the raid was conducted.

8. Considering the aforesaid material, this Court is inclined to grant relief, so long as the applicants are ready to co-operate with the investigation.

9. In view of the above, the applications are allowed in the following terms:-

- A. In the event the applicants are arrested in connection with FIR No.0054 of 2024 dated 21.09.2024 registered with Tarapur Police Station, District - Palghar, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each with one or two sureties in the like amount;
- B. The applicants shall remain present before the investigating officer on 23.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. They shall co-operate with the investigation;
- C. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

10. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

11. The anticipatory bail applications are disposed of.

(MANISH PITALE, J.)