



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 99 OF 2024

Ataru Rahman Abdul Raheem V/s The State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.M. Khan, counsel for the applicant.

Ms. Trupti Udeshi, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 23/02/2024.

1. Apprehending arrest at the hands of Police in connection with Crime No. 25/2024 registered with Police Station, Mangrulpir, Tq. Mangrulpir, District Washim for the offence punishable under Sections 379, 429 of the Indian Penal Code, 1860, Section 5A(2), 5B of the Maharashtra Animal Preservation Act, 1976, and Section 11 of Animal Cruelty Act, 1960. The applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by one Shivcharan Ramdasji Dongre, who alleged that on 18/01/2024 at about 8.00 a.m. they received secrete information that in the field of the Azim Kureshi near Swasin Road, some cattle are illegally tied in Tin Shed, therefore they raided in that field, and took the custody of the 61 cattle with six persons on the spot. Therefore, they took them into custody and arrested them. On the basis of the said report, Police have registered the crime.

3. Learned counsel for the applicant submitted that as far as the present applicant is concerned, he is not connected with the alleged offence. He is not identified by the name Adil Kureshi but his name is Atta-ur-Rehman Abdul Rahim, which is not appear in the FIR. He further submitted that the agricultural land is also not owned by him. Thus there is no other record, except the statement of co-accused to show the involvement of the present applicant with the alleged offence. He further submitted that custodial interrogation of the present applicant is not required. In view of that, the application deserves to be allowed by protecting the applicant for grant of anticipatory bail.

4. Learned APP strongly opposed the application on the ground that during the investigation, it revealed that the cattle were found in the agricultural field of the present applicant. The statement of the co-accused and the cattle were found in an injured condition which sufficiently shows the involvement of the present applicant. She also invited my attention towards the order passed by the trial Court, in which it is observed that the present applicant is involved in the alleged offence, and the cattle were found in an injured condition, as they were man-handed and submitted for rejection of the application.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. During the investigation, the investigating officer has recorded the statements of various witnesses and arrested accused

persons. During interrogation, the name of the present applicant is revealed. The statements of the witnesses further shows that, the cattle were found in the agricultural field of one Ajim Kureshi. The cattles also found in an injured condition. The health report of the cattle substantiates the fact.

6. Considering the statement of various witnesses and the statement of the co-accused, which substantiates the allegations that the applicant is involved in the alleged crime. Considering the circumstances under which the cattle were found during the investigation, it reveals the present applicant has purchased the said cattle and other co-accused approached to him to purchase it. The cattle were tied in a very cruel manner.

7. Considering the allegations against the present applicant, no case is made out for grant of anticipatory bail. In view of that, criminal application deserves to be rejected. Accordingly, I proceed to pass the following order:

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]