



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 ANTICIPATORY BAIL APPLICATION NO. 287 OF 2025

SHAIKH JUNED SHAIKH OSMAN

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Abid R. Shaikh

APP for Respondent/State : Mr. N.B. Patil

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CORAM : ARUN R. PEDNEKER, J.

DATE : 03/03/2025

PER COURT :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is apprehending arrest in connection with Crime No. 1/2025 dated 1.1.2025 registered with Himayatnagar Police Station, District Nanded for the offences punishable under sections 3(5), 132, 121(1) of B.N.S., 2023 and section 13, 11(1)(f), 11(1)(e), 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960, sections 5(b), 5(a) of the Maharashtra Animal Prevention Act, 1976 and sections 56(c), 50, 48, 47(a) of the Transport of Animal Act, 1978 and section 125 of the Maharashtra Motor Vehicle Rules, 1989.
3. The case against the applicant is that on 1.1.2025 the applicant was illegally transporting the cattle in two bolero jeeps. When the applicant was intercepted, it was found that one bolero jeep was not having number plate and the number plate of another jeep was tampered. From the investigation papers, it appears that the applicant and other co-accused were present on the spot. The complainant is the police personal, who knows the applicant and the F.I.R. is registered against the applicant and other co-accused.
4. The learned counsel for the applicant submits that there are no specific allegations against the applicant and the vehicles do not belong to the applicant. In view of the same, the applicant may be released on bail.

5. Per contra, the learned APP submits that applicant is known to the police personals. The applicant was seen by the police personals fleeing away from the spot. At the later point of time, another F.I.R. was also registered against the applicant for similar offence dated 16.2.2025 bearing F.I.R. No. 39/2025 at Himayatnagar Police Station, District Nanded wherein another vehicle was intercepted, carrying cattle illegally and in that crime, the driver of the vehicle has disclosed the name of the present applicant as the owner of the illegally transported cattle. The learned APP submits that in view of the above, it is necessary to find out the ownership of the cattles and the ownership of the vehicles in this crime. The learned APP, therefore, submits that considering the same, the application may be dismissed.

6. Having heard the submissions of the counsel and on perusal of the police papers, it appears that prima facie the applicant is involved in the matter and complete investigation would be necessary to ascertain the ownership of the cattle and the jeeps. Subsequent F.I.R. is also registered against the applicant and another for the similar kind of offence. Considering this aspect of the matter, I hold that the applicant is not entitled for anticipatory bail. Hence, the application stands rejected.

7. It is clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove at the stage of regular bail or trial.

8. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/