



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

58 CRIMINAL WRIT PETITION NO. 318 OF 2025

DEVENDRA ASHOK KARANKAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Mr. Mirza Mazhar Javed Baig, Advocate for the petitioner.
Mr. S.B. Jadhav, APP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 24.07.2025

PC :-

01. Heard learned Advocate for the petitioner and learned APP for the respondent-State. None for respondent No.2 inspite of service.

02. Present petition is filed seeking release of vehicle bearing registration No. MH-18-AA-4780, which is seized in connection with Criminal M.A. No. 170 of 2024.

03. The facts in short are that a complaint came to be registered with Sindhkheda Police Station, Dist. Dhule on 12.09.2024, for offence punishable under under sections 9, 5(a), 11(1), 11(1)(d),11(1)(c), 11 of the Maharashtra Prevention of Cruelty to Animals Act, 1960. It is a case that police persons received concrete information that some cows are

being transported for the purpose of slaughtering from Dhondaicha site to Songir. The police, therefore, kept watch on the road near Khalane phata and arranged a trap. They apprehended the vehicle. The driver ran away by stopping the vehicle. In the vehicle it was found that cows were tied in a cruel manner. Total 11 cows were found. On the basis of this, crime came to be registered. The investigation was complete and now case is pending in the Court of learned JMFC, Sindhkheda.

04. The petitioner filed application for release of the vehicle. However, same came to be rejected by order dated 23.12.2024 by the said Court. It is mainly observed that present vehicle was found used even in similar type of offence on the earlier occasion. By observing this, the application came to be rejected by order dated 23.12.2024.

05. Against the said order, revision was also preferred, however, the revision also came to be rejected. Thus, the petitioner is before this Court for release of the vehicle.

06. The learned Advocate for the petitioner vehemently argued that keeping the vehicle in idle condition is not in the interest of any of the parties. If the vehicle remains idle in the police station will get

damaged. He relied upon order passed by this Court dated 14.09.2022 passed in Cr. W.P. No. 1064 of 2022. This Court on the basis of judgment in the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat reported in AIR 2003 SC 638**, was pleased to release the vehicle. As per the guidelines given in the case of **Sunderbhai [supra]**, the petitioner thus prays for allowing the petition by setting aside and quashing the order passed by the learned Additional Sessions Judge.

07. Learned APP vehemently opposes the petition. He submits that in the present case the vehicle is found for the second time used in similar kind of offence. He further submits that when clearly a case is made out and when it is shown that the said vehicle is used on many occasions for similar kind of offence, the petition deserves to be dismissed.

08. Heard learned Advocates for the parties. It is undisputed that the vehicle was found used in similar crime on earlier occasion. An application for release of the vehicle in that proceeding was filed. The vehicle was released specifically imposing certain conditions that the petitioner shall not use said vehicle for similar offence in future. Presently, the petitioner's vehicle is found against the condition imposed

upon him in the earlier proceeding. This Court, therefore, finds that no sympathy can be shown to the petitioner. The judgment relied upon by the petitioner is also not of much help to the petitioner.

09. In view of the above, this Court is not inclined to entertain this petition. Hence, this Criminal Writ Petition is dismissed with no order as to costs.

[KISHORE C. SANT, J.]