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

ANTICIPATORY BAIL APPLICATION NO.1396 OF 2025

Mahadev Galphat S/o. Maroti Galphat. Applicant

Versus

The State of Mahatashtra
Through Police Station Kudalwadi,
Dist. Nanded. ... Respondent

.....
Mr. B.N. Gadegaonkar, Advocate for Applicant
Mr. M.L. Sangit, APP for Respondent – State
.....

CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 20 AUGUST 2025
PRONOUNCED ON : 21 AUGUST 2025

PER COURT :-

1. This is a pre-arrest bail, apprehending arrest in Crime No. 0126 of 2025, registered for offences under Section 303(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, and under Sections 9, 11(1)(k), 11(1)(g), 11(1)(c) of the Prevention of Cruelty to Animals Act, 1960, and under Sections 5(A)(1), 5(A)(2), and 11 of the Maharashtra Animal Preservation Act, 1976.

2. It is submitted that the applicant is not named in the FIR and is sought to be implicated based solely on the statement of a

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co-accused. That, there are allegations of transporting of cattle for slaughtering. However, according to the learned counsel, the applicant is the owner of the vehicle and except that he has no role in episode of transportation of live stock subjecting them to cruelty. That, that the vehicle is already seized, and vide order dated 11.08.2025, the same has been returned to the applicant. Therefore, when is nothing further to be recovered or discovered, and as the applicant is ready to cooperate, the relief of anticipatory bail is respectfully sought.

3. Learned APP strongly opposed the application on the grounds that cruelty was inflicted on livestock. It is alleged that 26 bulls were injected with drugs and were squeezed into a single truck for transportation. A report to that effect was received from the Police Officer, and therefore the above crime was registered. For the purpose of effective investigation, custodial interrogation of the applicant is necessary. Hence, bail is opposed.

4. Heard. Perused the FIR at the instance of API Kundalwadi, who reported that on 07.07.2025, secret information was received regarding livestock being transported in a truck towards Dharmabad. Accordingly, the vehicle was intercepted. 26 bulls were found to be transported after injecting them i.e. for slaughter purpose. The driver

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gave his name Rashid and that truck was reported to be owned by the present applicant. It is reported that, no papers of transporting live stock was available with truck driver. Hence, above report.

5. After considering the above submissions and on going through the FIR, it seems that the police machinery intercepted a truck belonging to the present applicant, while it was carrying livestock. The truck has already been seized, as evident from the FIR, and the livestock has also been taken into possession. The said truck was returned to the applicant vide order dated 11.08.2025. Further investigation can be carried out by securing the presence of the applicant, who is stated to be the owner. Therefore, the custodial interrogation of the applicant does not seem necessary. For the above reasons, the applicant succeeds. Hence, I proceed to pass the following order:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No. 0126 of 2025, registered for offences under Section 303(2) r/w 3(5) of the Bharatiya Nyaya Sanhita, and under Sections 9, 11(1)(k), 11(1)(g), 11(1)(c) of the Prevention of Cruelty to Animals Act, 1960, and under

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Sections 5(A)(1), 5(A)(2), and 11 of the Maharashtra Animal Preservation Act, 1976, he shall be released on executing P.B. and S.B. of Rs.15,000/- with one surety in the like amount.

- (iii) The applicant shall attend the concerned Police Station as and when called by the Investigating Officer, till filing of the charge-sheet and shall co-operate in the investigation.
- (v) The applicant shall not tamper the prosecution evidence.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane