

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 981 OF 2024

Zubair Abdul Jabbar @ Jabbar Ustad ...Applicant

V/s

The State Of Maharashtra ...Respondent

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Adv. Veerdhaval Kakade for the Applicant.

Adv. Nitin B. Patil, APP for the State.

Mr. Rajesh Tathe, ASI, Vijapur Naka Police Station.

...

CORAM : RAJESH S. PATIL, J.

DATED : 6th FEBRUARY, 2025

P.C.:

1. The Applicant has filed the present Application under Section 438 of the Code of Criminal Procedure, 1973 for apprehending his arrest in C. R. No. 45 of 2024 registered with Vijapur Police Station, Solapur City for the offences punishable under Section 307, 279, 427, 429 of the Indian Penal Code, 1860, Section 11 of the Prevention of Cruelty to Animals Act, 1960, Section 119 of the Maharashtra Police Act, 1951 and Sections 184 and 177 of the Motor Vehicles Act, 1988.

2. In the present proceeding, an order was passed on 12th April, 2024, thereby granting protection to the present Applicant/Accused No. 2. For ease of reference, the order dated 12th April, 2024 is reproduced herein below.

“1. The Applicant is seeking anticipatory bail in connection with C.R.No.45/2024, dated 05/02/2024, registered with Vijapur Naka Police Station, Solpur City, under sections 279, 307, 427, 429 of the Indian Penal Code and under section 11 of the Prevention of Cruelty to Animals Act and under section 119 of the Maharashtra Police Act and under sections 184 and 177 of the Motor Vehicles Act, 1988.

2. Heard Mr. Veerdhaval Kakade, learned counsel for the Applicant and Mr. Nitin B. Patil, learned APP for the State.

3. Learned APP is seeking adjournment as the Investigating Officer is not present and he does not have instructions. Therefore, I have heard the parties for consideration of ad-interim relief.

4. The FIR is lodged by one Sidram Charkupalli. He has stated that he is appointed as Animal Welfare Officer. His job is to prevent illegal transportation of the cows. He was also a member of an organization. The incident took place in the night between 04/02/2024 and 05/02/2024. According to him, he had seen a pickup van bearing MH-13-CU-3008. The informant and his associates had chased that vehicle in the past and therefore he was aware of that vehicle. This time at around 02.45 a.m. again they chased this vehicle in the informant's own car. The pickup vehicle was overtaken. According to the first informant, when the informant's car intercepted the said vehicle, the pickup van rammed into the informant's car causing damage to the informant's vehicle. It is alleged that the driver and one person got down from that vehicle and assaulted the informant and others. There were 6 cows and 3 calves kept in a cramped space. The driver's name was Faiyaz and the Applicant was the passenger in that vehicle. The informant called the police and then this FIR is lodged.

5. Learned counsel for the Applicant submitted that the Applicant himself had lodged C.R.No.44/2024 at Vijapur Naka police station on 05/02/2024 at 05.35 p.m. u/s 326, 336, 427, 504 r/w 34 of the Indian Penal Code and u/s 4 and 25 of the

Arms Act. He submitted that as a counterblast to this FIR, the present FIR is lodged against him at 09.00 p.m. He invited my attention to the medical papers annexed to this application, which show that the Applicant had suffered fracture of left arm. There was dislocation of right thumb. There were other injuries and multiple abrasions. He therefore submitted that the informant and his associates were the aggressors and they have caused serious injuries to the Applicant.

6. Considering these submissions, at this stage, it appears that there is sufficient force in the submissions of learned counsel for the Applicant and hence the Applicant deserves ad-interim relief till the next date.

7. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with C.R.No.45/2024, dated 05/02/2024, registered with Vijapur Naka Police Station, Solapur City, till the next date, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.*
- (ii) This order shall operate till 06/05/2024.*
- (iii) Stand over to 06/05/2024.”*

3. Mr. Kakade, learned counsel for the Applicant submits that there were total three accused in the present FIR No. 45 of 2024 registered with Vijapur Naka Police Station, Solapur City. The present Applicant is Accused No. 2 in the said FIR. The Accused No. 3 was granted anticipatory bail by the Sessions Court. As far as the Accused No. 1 is concerned, he attended the trial Court and has been granted bail by the trial Court. Chargesheet has already been filed against Accused Nos. 1 and 3. The case has been

registered as R.C.C. No. 501 of 2024 with the Judicial Magistrate First Class, Solapure. He submitted that before the present FIR could be lodged on 5th February, 2024 at 21.00 hrs., the present Applicant had already lodged FIR No. 0044/2024, on 5th February, 2024 at 17.35 hrs., under the offences punishable under Section 326, 336, 427, 504 r/w 34 of the Indian Penal Code, 1860 and Section 4 and 25 of the Arms Act, 1959. He submits that due to assault on the present Applicant, he suffered with dislocation of right thumb. The medical papers to that effect are enclosed from page 36 to 51. He submits that, this is a case of cross FIR where the FIR lodged by the Applicant is prior in time. He further submits that after interim protection was granted by this Court on 12th April, 2024, the Applicant has twice attended the concerned police station. However, the formality of releasing the Applicant on bail has not been completed. He submits that the Applicant is ready to comply with any condition imposed by this Court.

4. Taking into consideration the order passed on 12th April, 2024 by this Court as regards the protection of the Applicant and considering the co-operation of the Applicant with the police authorities, so also the fact that the Applicant had lodged the FIR

prior in time, according to me, the interim protection granted to the Applicant needs to be continued. Hence, the following order.

Order

(i) In the event of his arrest in connection with Cr. NO.45/2024, dated 05/02/2024 registered with Vijapur Naka Police Station, Solapur City, till filing of the chargesheet, the Applicant be released on bail on his executing PR Bond in the sum of Rs. 30,000 (Thirty Thousand Only) with one or two sureties in the like amount.

(ii) The Applicant shall attend the concerned Police Station on 13th February, 2025 and 14th February, 2025 in between 11.00am to 1.00pm.

(iii) The Applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

5. Anticipatory bail Application is accordingly disposed of.

(RAJESH S. PATIL, J.)