

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

Criminal Bail Application No.3448 of 2025

Mohammad Rashid Rais Ahmed Kureshi

Age: 24 years, Indian Inhabitant,

Residing at: Madani Nagar, Pahili Galli,

Tal. Malegaon, Dist.Nashik

... Applicant

Versus

The State of Maharashtra

Through Manmad City Police Station

... Respondent

Mr Taraq Sayed, a/w. Ms Sana Raees Khan and Ms Neha Balani, i/b SRK Legal, for the applicant.

Mr SS Pednekar, APP, for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 13 October 2025.

P.C.:

By this application, the applicant seeks bail in connection with CR No.161 of 2025, registered at Manmad City Police Station, Nashik Rural, for offences punishable under Sections 109, 132, 121(1), 121(2), 281, 291, 325, 324(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Sections 184, 134(a), 134(b) and 177 of the Motor Vehicles Act, 1988, and Sections 11(d) of the Prevention of Cruelty to Animals Act, 1960, and Section 5-A of the Maharashtra Animal

Preservation Act, 1995.

2. As per the contents of the First Information Report (FIR), the incident in question transpired during the early hours of 10th March 2025, at approximately 05:00 a.m., when Police Constable Bapu Khandekar, attached to the patrolling unit and deployed on official duty in a police jeep, was stationed at the Malegaon Naka crossroad in Manmad. At the said location and time, PC Khandekar observed a Mahindra Pickup Cargo vehicle bearing registration number MH-17-AG-1773 proceeding at an unusually high speed in a swerving manner towards Nandgaon Road. The said vehicle was being pursued by an individual riding a motorcycle. Upon intercepting the motorcyclist, PC Khandekar was informed that the pickup van was allegedly transporting cattle in contravention of applicable laws, with the intent to slaughter.

3. Acting upon the said information, PC Khandekar initiated the pursuit of the pickup van in his official police vehicle and succeeded in overtaking it near Nagapur. Upon signalling the driver of the pickup van to halt, the said driver attempted to evade apprehension by deliberately ramming the pickup van into the rear of the police jeep multiple times. As a consequence of such repeated impact, the police jeep lost control, collided with the road divider, and overturned. The pickup van also

overturned during the said sequence of events. The complainant sustained grievous injuries in the said accident. The driver and co-driver of the pickup van also suffered injuries. Upon inspection, it was found that seven cattle were crammed into the overturned pickup van, all of whom sustained injuries. The applicant herein, Mohammad Rashid, is stated to be the driver of the said pickup van, while accused no.3, Shaikh Shahjad, is alleged to be the co-driver/cleaner. Immediately following the accident, a white-coloured Creta vehicle arrived at the scene, allegedly trailing the pickup van. The injured applicant and accused No.3 were reportedly assisted into the said Creta vehicle by its occupants and absconded from the scene. Accused No.4, Sarfraj, is alleged to have been present in the Creta along with two unidentified associates, all of whom are currently absconding. Upon receipt of information, additional police personnel arrived at the scene and facilitated medical assistance for the injured complainant. Subsequently, the FIR was registered. The pickup van was seized, and the injured cattle were entrusted to the custody of a local Goshala.

4. During the course of the investigation, the registered owner of the pickup van, accused No.1 Amjad Khan, was traced and apprehended on the midnight of 11th March 2025.

The applicant, who was brought to the police station in an injured condition, was also placed under arrest. Accused No.3 Shaikh Shahjad, accused No.4 Sarfraj, and the two unidentified associates remain absconding. During custodial interrogation, accused No.1 Amjad Khan disclosed that the pickup van had been engaged by accused No.4 Sarfraj for the unlawful transportation of cattle to a slaughterhouse. Based on the said disclosure and other material collected during the investigation, the present offence came to be registered against the applicant and co-accused.

5. Mr Taraq Sayed, learned Counsel appearing on behalf of the applicant, contending the innocence of the applicant, submits that the applicant is being falsely implicated in this crime. It is submitted that the applicant is not named in the FIR, and the allegations therein do not disclose any overt act attributable to the applicant that would suggest a premeditated intention to cause death or grievous harm. The learned Counsel submits that the incident in question appears to be a consequence of an accidental vehicular collision during an alleged attempt to flee, and not a deliberate act with homicidal intent. The vehicle purportedly involved in the commission of the offence is registered in the name of accused No.1 and not the present applicant. It is further submitted that the injury

sustained by the informant is classified as simple in nature. In light of this, the invocation of Section 109 of the BNS is argued to be legally untenable and disproportionate to the factual matrix of the case. The FIR alleges that the applicant's pickup vehicle collided with the police jeep, resulting in the latter overturning. However, the spot panchnama and photographic evidence annexed thereto reveal that only the pickup vehicle was found overturned at the scene, contradicting the informant's version and casting doubt on the veracity of the allegations. It is further submitted that the alleged transportation of cattle was carried out pursuant to instructions issued by accused No.4, and not at the behest of the applicant.

6. The learned Counsel further submits that the medico-legal certificate issued by the Sub-District Hospital, Manmad, categorically records the cause of injury as "road traffic accident", which lends credence to the applicant's contention that the incident was accidental and devoid of criminal intent. The applicant has no prior criminal antecedents. The investigation is complete, the chargesheet has been filed, and the vehicle allegedly involved has already been seized by the investigating agency. There is no further recovery or discovery pending from the applicant. The applicant has been languishing in jail since 12 March 2025. The charges are yet to be framed,

and the prosecution proposes to examine 13 witnesses, indicating that the trial is likely to be protracted. The learned Counsel further submits that co-accused No.3 has already been granted anticipatory bail by the learned Sessions Court. The applicant has no criminal antecedents and undertakes to comply with any condition that this Court may deem fit to impose, including the condition of not entering the concerned district until the conclusion of the trial.

7. Mr SS Pednekar, the learned Additional Public Prosecutor representing the respondent/ State, has strenuously opposed the applicant's request for bail. He submits that the alleged offence is of a grave and serious nature, involving deliberate and intentional conduct on the part of the applicant. It is contended that the applicant, while unlawfully transporting cattle in a small pickup vehicle, intentionally rammed the said vehicle twice into the rear of a police patrolling vehicle. This act, according to the learned APP, endangered the life of a police constable who was on duty and present in the patrolling vehicle at the relevant time. The learned APP further submits that the applicant's actions not only posed a significant threat to public safety, including other road users, but also jeopardised the welfare of the seven cattle that were being transported in a cramped and hazardous manner. The cattle sustained injuries in

the incident. The learned APP expresses concern about granting bail to the applicant, as he may tamper with the evidence.

8. This Court has given anxious consideration to the submissions advanced across the Bar. The FIR alleges that both the police jeep and the pickup van overturned due to deliberate ramming. However, the spot panchnama and photographic evidence reveal that only the pickup van was found overturned. The pickup van involved in the incident is registered in the name of accused No.1 Amjad Khan, not the applicant. It appears that the transportation of cattle was allegedly carried out under instructions from accused No.4 Sarfaraz. The accused No.3 has already been granted anticipatory bail. The injury sustained by the informant is classified as simple in nature. Furthermore, the medico-legal certificate issued by the Sub-District Hospital, Manmad, records the cause of injury as “road traffic accident”, supporting the applicant’s contention that the incident was accidental. The investigation is complete and the chargesheet has been filed. The vehicle has been seized, and no further recovery or discovery are pending against the applicant. The applicant has been languishing in jail since 12 March 2023, and the trial is yet to commence, with 13 witnesses proposed to be examined, indicating a protracted trial. The applicant is a young individual aged 24 years, with no

prior criminal antecedents. Appropriate conditions can be imposed to ensure that the applicant does not misuse the liberty.

9. In view of the foregoing, this Court is of the view that a case is made out for the grant of bail. Hence, the following order.

Order

- (i) The applicant shall be released on bail in CR No.161 of 2025, registered at Manmad City Police Station, Nashik Rural, upon executing a PR Bond of Rs. 25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall not enter the jurisdiction of the Manmad City Police Station, until the conclusion of the trial, save and except to attend the trial proceedings.
- (iii) The applicant, either himself or through any other person, shall not tamper with the evidence or influence witnesses.
- (iv) The applicant shall furnish his residential and contact details to the Inspector of the concerned Police Station and shall notify the said officer forthwith of any subsequent changes therein.

(v) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

10. The application stands disposed of accordingly.

(R.N. Laddha, J.)