

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

ANTICIPATORY BAIL APPLICATION NO. 25 OF 2025

Shakir Rashid Shaikh .Applicant

vs.

The State of Maharashtra .Respondent

Mr. Balwant Salunkhe, Advocate, for the Applicant
Ms. Savita M. Yadav, APP, for the Respondent – State

CORAM : MILIND N. JADHAV, J.

DATE : 07.01.2025

P C.

1. Heard Mr. Salunkhe, learned Advocate for the Applicant and Ms. Yadav, learned APP for the Respondent – State.

2. By this Application, the Applicant apprehends arrest in connection with C. R. No. 214 of 2024 registered with the Kinhavali Police Station, Thane (Rural), for the alleged offences punishable under Sections 109, 132, 121(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 5A, 5B, 6 & 9 of the Maharashtra Animal Preservation Act, 1976.

3. Crime is registered on the basis of a secret information received from one Mr. Nitin Shivdas Khairnar that two Accused who are implicated would be transporting cattle in a Mahindra Bolero Pik-Up

vehicle bearing number MH-04/FJ/7352. The Applicant before me is the driver and owner of the vehicle. According to the Applicant, co-accused – Mr. Iqbal Kasam Shaikh is the owner of the cattle (two bullocks) which they were transporting in the vehicle. The allegation is that the Accused ferried the cattle for slaughter. It is seen that when Applicant was directed by the police to stop the vehicle, he did not abide and raced his vehicle away and the police party then tracked the said vehicle. The Applicant before me is having a fixed place of residence. He is a resident of village – Dhasai, Taluka – Shahapur, District – Thane. Learned Advocate for the Applicant would submit that the allegation with respect to injury caused to the Police Constable in the process is false. It is seen that the police man on duty has alleged that he received scratch due to the vehicle not been stopped and halted and hence, the injury. *Prima facie*, it is seen that at no point of time the Applicant was intercepted or accosted by the said Police Constable who suffered injury. He would submit that the cattle were taken from their original location to another location for farming but that would be the matter for trial. The cattle belonged to the other Accused. Applicant is required to pay Bank loan on the vehicle as informed by the Advocate. In view of the above, I do not find that custodial interrogation of the Applicant is necessary. He can co-operate in the investigation.

4. Considering the nature of allegations, the Applicant is granted pre-arrest bail on the following terms and conditions :

O R D E R

- (i) In the event of the arrest, the Applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount;
- (ii) The Applicant shall attend the concerned Police Station on 09.01.2025 to 11.01.2025 between 10:00 a.m. to 02:00 p. m. and as and when called for in future by the Investigating Officer;
- (iii) The Applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case. He shall give an undertaking to the Investigating Officer that he shall not indulge in any similar act in future by using his vehicle;
- (iv) The Applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Investigating Officer of the concerned Police Station;
- (v) The Applicant shall co-operate with the investigation;
- (vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

5. It is made clear that the observations made herein are *prima*

facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

6. All concerned to act on the authenticated copy of this order.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

(MILIND N. JADHAV, J.)