



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) No. 09 OF 2025

Brajesh Shambhunath Shukla Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Prakash S. Jaiswal, counsel for applicant.

Mr. Anant Ghogare, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/02/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No. 923/2024 registered at Police Station, Pulgaon for the offence punishable under Sections 109(1), 132, 121, 324(5), 326(b), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 5(a), 5(b), read with Section 11(1) (1)(2) of the Prevention of Animal Cruelty Act, and Section 3 of the Prevention of Damage to Public Property Act, 1984, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report, that the owner and the driver of the truck, along with two accomplices, intentionally rammed their truck into police officers on duty with intent to kill them and collided with two government vehicles. At that time, the truck of the accused caught fire, and 15 cattle were burned. The Police Station Officer has succeeded in rescuing nearly 12 cattle, and the said cattle were sent to the Goushala. On the basis of the said report, the crime was registered against the co-accused. On

the basis of the statement of the co-accused, the name of the present applicant is revealed, and the role attributed to the present applicant is that, on his demand, the cattle were transported in the same vehicle, which ultimately resulted in the death of the cattle. Thus, there was a cruelty to the animals.

3. Learned counsel, Mr. P. S. Jaiswal for the applicant, submitted that, except the statement of the co-accused, there is absolutely no material to connect the present applicant to show that the cattle are owned by the present applicant or the vehicle is owned by the present applicant. Now, the other co-accused are already released on bail, either on the anticipatory bail or the regular bail. The custodial interrogation of the present applicant is not required, in view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that considering the manner in which the cattle were transported. The two accused persons were caught at the spot of the incident, and during the inquiry with them, the name of the present applicant was revealed. Therefore, his custodial interrogation is required. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the involvement of the present applicant is merely on the basis of the statement of the co-accused. Except the statement of the co-accused, there is absolutely no material collected during the investigation to

show that the applicant has any concern with either the cattle or the vehicles. The investigation is practically completed. Considering all these aspects, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is **allowed**.
- b] In the event of arrest, in connection with Crime No. 923/2024 registered at Police Station, Pulgaon for the offence punishable under Sections 109(1), 132, 121, 324(5), 326(b), 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 5(a), 5(b), read with Section 11(1)(1)(2) of the Prevention of Animal Cruelty Act, and Section 3 of the Prevention of Damage to Public Property Act, 1984, the applicant – **Brajesh Shambhunath Shukla**, shall be released on anticipatory bail, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- d] The investigating officer shall send seven days notice in advance to the applicant, if he requires to the presence for the investigation purpose.

- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
6. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]