



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.106 OF 2025
(Nasim Ahmad Kutuboddin and anr. 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. S. Kanetkar, Advocate h/f Mr. Mohd. Salim, Advocate for the
applicants.
Mr. V.A. Thakare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 18, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 03/10/2024 in connection with Crime No.437/2024 registered with Police Station Akot, District Akola for the offences punishable under Sections 109, 281 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 5(c) and 9(a) of the Maharashtra Animal Preservation Act, 1976, Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960 and Section 119 of the Maharashtra Police Act.

2. As per the allegation in the FIR, the present applicants who were Cleaner and Assistant in the vehicle bearing No.HR-58-C-3431 which was carrying the cattle and said vehicle was driven in a rash and negligent manner and due to the stampede in the vehicle between the cattle, five cattle died. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that as far as the present applicants are concerned they are neither owner of the said cattle nor driving the vehicle at the relevant time. They are only accompanying along with the said cattle. As far as the death of the cattle is concerned the applicants are not responsible for their death, and therefore, considering the investigation is completed and charge-sheet is filed, they be released on bail.

4. Learned APP strongly opposed the application and invited my attention towards the postmortem report of all the cattle which shows that the cattle were treated with the cruelty, injuries are found on their person as well as five cattle died in the said incident. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the investigation papers from which it reveals that the death of the five cattle is due to the stampede in the vehicle and due to the tossing in the vehicle. As far as present applicants are concerned, their role is not in a driving of the vehicle. In view of that, they have made out a case for grant of bail. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicants – 1) Nasim Ahmad Kutuboddin and 2) Bannu Khan Bilad Khan in connection with Crime No.437/2024

registered with Police Station Akot, District Akola for the offences punishable under Sections 109, 281 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, Section 5(c) and 9(a) of the Maharashtra Animal Preservation Act, 1976, Section 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960 and Section 119 of the Maharashtra Police Act, be released on bail on executing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety each in the like amount.

(iii) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(iv) The applicants shall furnish their detailed address with the address proof, before the investigating agency.

(v) The applicants shall furnish the local surety for the satisfaction of the Court.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)