



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

CRIMINAL WRIT PETITION NO. 977/2024

Mohammad Muddasir Abdul
Bashir Qureshi, Age 30 yrs.,
Occ. Labour, R/o. Near Fish Market
Kagzipura, Subhash Road, Akola,
Dist. Akola.

...PETITIONER

VERSUS

1. The State of Maharashtra
through DGP, Akola,
Dist. Akola.
2. Police Station Officer,
Police Station, Ramdaspath,
Dist. Akola.

...RESPONDENTS

Mr. Syed Salman Ali, Advocate for petitioner.
Mr. Bhagwan M. Lonare, APP for respondent Nos. 1 & 2.

CORAM : M. M. NERLIKAR, J.
DATE : 16.10.2025

ORAL JUDGMENT :

Heard.

2. By way of this petition filed under Articles 226 and
227 of the Constitution of India, the petitioner is challenging

the order dated 01.07.2023 passed by the learned Additional Sessions Judge, Akola in Criminal Revision Application No.51/2023 and the order dated 02.01.2023 passed by the learned Judicial Magistrate First Class, Akola in R.C.C. No.1406/2022 below Exh.3 and further the petitioner prays for the custody of the vehicle bearing Registration No. MH-30-BD-2789 (TATA Intra V20 BS-IV).

3. First Information Report (“FIR”) No.348/2022 was registered under Sections 5, 5(a), 5(b), 9 of the Maharashtra Animal Preservation Act, 1976 read with Section 11 of the Prevention of Cruelty to Animals Act,1960. It was alleged that the accused were carrying animals for slaughtering purpose in the vehicle owned by the present petitioner. After the seizure of the vehicle, the petitioner preferred MCA NO.1037/2022 before filing of the charge-sheet under Sections 457 of the Code of Criminal Procedure (“Code”) for releasing the vehicle on Supratnama, but the said application was rejected by the learned Magistrate by an order dated 30.06.2022. Thereafter, revision was preferred, even the said revision was also

dismissed. After completion of the investigation and filing of the charge-sheet, again an application was moved under Section 451 of the Code claiming interim custody of the vehicle. The said application was rejected by an order dated 02.01.2023. Against the said order, a Revision Application No.51/2023 was preferred by the petitioner, even the said revision application was also dismissed. Against both these said orders, the present petition is preferred.

4. The learned counsel for the petitioner submits that the vehicle is lying idle and no purpose would be served in detaining the vehicle. He submits that petitioner being the owner of the vehicle is not in dispute. He submits that though the petitioner is not accused in the offence, both the Courts below committed an error. He further submits that the petitioner had preferred Criminal Writ Petition No. 656/2025, wherein this Court has allowed the petition by directing the release of the said vehicle which is the subject matter of the present petition.

5. On the other hand, learned APP submits that vehicle of the petitioner is handed over in identical crime and this is another offence, wherein the allegations pertain to cruelty towards animals. There is every possibility that the petitioner will again indulge in the transportation of the animals without complying with the provisions of the law. He further submits that both the Courts below have rightly passed the orders and therefore, no interference is called for.

6. Upon hearing the learned counsel for the petitioner and learned APP for the State, it appears that this is the second offence which was registered, wherein the the vehicle of the present petitioner is allegedly involved. No doubt, the vehicle of the petitioner is involved in two crimes, however the vehicle can be released by imposing stringent terms and conditions. Even otherwise no purpose would be served, if the vehicle remains idle. The cost of the vehicle would be decreased and the condition would deteriorate by keeping it idle. If the present petition is rejected then there would be no compliance of the order dated 08.10.2025 passed in Criminal Writ Petition

No.656/2025, wherein the same vehicle was directed to be released. By imposing stringent terms and conditions on the petitioner, in my opinion the vehicle can be released, hence this Court passes the following order:-

(I) Criminal Writ Petition is allowed.

(II) The vehicle Tata Intra V20 BS-IV, bearing Registration No. MH-30-BD-2789, Chassis No. MAT535067KYE12170 and Engine No. 1400DIO1EPYS77935 shall be released, and custody shall be handed over to the present petitioner;

(III) The petitioner shall submit an undertaking before the Trial Court stating that:

(i) He shall produce the said vehicle as and when required during the course of the trial; He shall not alter or modify the structure of the said vehicle;

(ii) He shall not use the vehicle for any illegal activity or for committing any offence under Section 11 of the Prevention of Cruelty to Animals Act, 1960;

(iii) He shall not sell, transfer, or create any third-party interest in respect of the said vehicle until the conclusion of the trial;

(iv) The petitioner shall deposit a sum of Rs. 1,00,000/- with the Court below towards the care and maintenance of

the animals seized from the petitioner's vehicle. Upon such deposit, the vehicle shall be released to the petitioner;

7. Rule is made absolute in above terms.
8. Pending applications are disposed of accordingly.

(M. M. NERLIKAR , J.)

Gohane