

MHGA010008272022



IN THE COURT OF SESSIONS JUDGE, GADCHIROLI
(Presided over by U.B. Shukla)

Criminal Bail Application No.230/2022

Mohammad Jamil Mohammad Yakub Qureshi,
Age about 45 yrs., Occ. : Cultivation,
R/o. Makka Maszid, Azad Chowk,
Tekanaka, Nagpur, Tah. & Dist.:Nagpur .. **Applicant**
(Accused)

-versus-

The State of Maharashtra
through Police Station Officer,
Police Station, Kurkheda,
District : Gadchiroli. .. **Non-applicant**
(Prosecution)

O R D E R (Below Exh.2)

(Passed on this 10th day of October 2022)

1] Applicant **Mohammad Jamil Mohammad Yakub Qureshi** apprehends arrest in connection with Crime No.123/2022 registered at Kurkheda Police Station on 19.8.2022 for the offences punishable under Sections 279, 429 of the Indian Penal Code, 1860, 5A, 5B, 9 and 11 of the Maharashtra Animal Preservation (Amendment) Act, 1995, Section 11(1), 11(1)(d),

11(1)(e), 11(1)(f) of the Prevention of Cruelty to Animals Act, 1960, Section 119 of the Maharashtra Police Act, 1951, Section 184 of the Motor Vehicles Act, 1989 and Section 5 of the Maharashtra Animal Preservation Act, 1976 and the applicant is claiming interim protection under Section 438 of the Code of Criminal Procedure.

2] As per the F.I.R., at mouza Gothangaon Naka on Purada road, as per the secrete information, barricades were fixed and there was Nakabandi. At around 4.00 p.m., suspected vehicles were noticed. The vehicles were signaled to be stopped. The vehicles stopped but the drivers of 9 Eicher vehicle (Truck) fled away. The vehicles were found containing cattle being carried without taking care thereof in a cruel manner. The F.I.R. mentions about names of the vehicle drivers.

3] It is submitted on behalf of the applicant that he is not named in the F.I.R. and he has no concern with the vehicles carrying cattle. However, the police are persistently calling him and therefore he apprehends arrest and unjust treatment at the hands of the police and therefore he seeks protection under Section 438 of the Code of Criminal Procedure.

4] Learned Advocate for the applicant submits that the applicant has no connection at all with the incident, however the police are trying to harass him since he was dealing earlier in the business of cattle.

5] The F.I.R. is against unknown persons. The F.I.R. does not name the applicant. It names different persons who were

noticed by the police. Considering the allegations in the F.I.R. and circumstances noted above, I find that the attendance of the applicant, at present stage to the Police Station may serve the purpose unless the Investigating Officer comes out with detail reasons to justify custodial interrogation. Hence, I find that the applicant is entitled to have interim protection under Section 438 of the Code of Criminal Procedure. I therefore, proceed to pass following order.

O R D E R

- 1] Application (Exh.2) is allowed.
- 2] In the event of arrest in connection with Crime No.123/2022 registered at Kurkheda Police Station for the offences punishable under Sections 279, 429 of the Indian Penal Code, 1860, 5A, 5B, 9 and 11 of the Maharashtra Animal Preservation (Amendment) Act, 1995, Section 11(1), 11(1)(d), 11(1)(e), 11(1)(f) of the Prevention of Cruelty to Animals Act, 1960, Section 119 of the Maharashtra Police Act, 1951, Section 184 of the Motor Vehicles Act, 1989 and Section 5 of the Maharashtra Animal Preservation Act, 1976, applicant **Mohammad Jamil Mohammad Yakub Qureshi** be released on P.R. bond of Rs.15,000/- and surety in the like amount.
- 3] The applicant shall attend the concerned Police Station, in between 11.00 a.m. to 2.00 p.m. from **12th October 2022 till 17th October 2022**.
- 4] The applicant shall cooperate in the investigation.

- 5] The applicant shall not try to influence or threaten the witnesses.
- 6] The applicant shall not tamper with the evidence.
- 7] The applicant shall furnish his detail name, permanent address, occupation, place of business and other details to the Investigating Officer.
- 8] Issue notice to the Investigating Officer to explain as to why the order of interim protection should not be confirmed returnable on **18th October 2022**.
- 9] Inform the concerned Police Station and the Investigating Officer accordingly.

Gadchiroli
Date: 10-10-2022

(U. B. Shukla)
Sessions Judge, Gadchiroli