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Misc. Cri. Appln. No. 48/2026
Order below Exh.1

MHAM070007762026 Applicant

Mohammad Anis S/o Abdul
Tamij



Versus

Respondent

State of Maharashtra through
P.S. Anjangaon Surji

ORDER BELOW EXH.1 IN CRI.M.A. No.48/2026.

(Passed on 05.08.2026)

The present application is filed under section 503 of Bhartiya Nagri Suraksh Sanhita, 2023 for release of Two bullock seized by Anjangaon Police Station in Crime No.293/2026 registered under section 5b, 9 of the Prevention of Cruelty to the Animals Act, 1960.

2. The applicant submitted that, Police Station Anjangaon Surji has registered Crime No. 293/2026 for offence punishable Under Section 5b, 9 of the Prevention of Cruelty to the Animals Act, 1960. It is further contention of the applicant that, during course of investigation the Police have seized the applicant's Two Bullocks, which were purchased and used by him for agricultural purpose, from near riverbed of Kanjipura, Shahanur River. The applicant is the laborer by occupation and the seized animals are his own domestic cattle being utilized for cultivation and other agricultural work. It is further contention for the applicant that, present applicant has purchased the seized animals through APMC market, Anjangaon from Mohammad Sayyad Mohammad Ajad R/o of Kapustalni on 25/05/2026. The description of animals are 'Lal Kabra, Mage Shing Aslela' (Animal No. 07 as per mentioned in the F.I.R.) and Lendi Lal Butke Shing Aslela(Animal No. 06 as per mentioned in the F.I.R.). It is further contention of the applicant that, merely on suspicion that because of Bakri Id festival the

applicant may slaughter said animals, the police authority have seized the animals without any lawful jurisdiction. That seized animals are cattle and required proper food, water shelter and medical care. If animals remains in the custody for long period there is every possibility of deterioration in there health and condition. It is further contention applicant that, he is lawful owner of seized animals and has not committed in any offence there is no any material available on the record to show that the applicant intended to slaughter in said animals. The Police falsely registered offence and implicated innocent applicant in the said crime. The applicant is lawful owner of seized animals and hence he is entitled to obtain interim custody of same on Supurthnama. The substantial investigation regarding to animals have already been completed, the continued custody of seized animals is no longer required for purpose of investigation. It is further contention of applicant that, the applicant undertakes to maintain and preserve seized animals properly and shall produced same before investigation officer or before this Hon'ble court as and when directed. That no purpose will be served by keeping animals in police custody and therefore it is just to released the animals in Supurthnama. The applicant has filed necessary documents to established ownership of seized animals and is ready and willing to furnish indemnity bond and to comply with all terms and conditions as may be imposed by this Hon'ble Court. Hence, he prayed to allow the application.

3. The learned APP strongly opposed the application by filling say on back-leaf of the application. He submitted that, the applicant has not filed document regarding ownership of seized animal. Moreover, there is possibility that, if application is allowed there might be possibility that applicant may use animals for slaughter. Hence, he

finally he prayed to reject the application. The I.O. filed his say at Exh.5 and contended that, total 7 animals were seized of Total Amount of Rs.1,56,000/- Moreover, owner of said seized animal i.e. Moreover, 1) Abdul Aqel Abdul Aziz, 2) Mohammad Wasim Abdul Salam, 3) Abdul Rashid Abdul Salam, 4) Mohammad Anis Abdul Tamiz told that, said seized animals belongs to them. He further contended that, custody of the said animals handed over to Sant Shri. Sant Gulabbaba Sansthan Gaushala, Takarkheda More. If custody of the said animals is given to said applicant there is possibility of the slaughter. Hence, he prayed to pass appropriate order. The say of Shri. Sant Gulabbaba Sansthan Gaushala, Takarkheda is called in the present matter. Gaushala filed say at Exh.08 and contended that, they have treated the animals. Each animal need Rs.250/- for maintenance.

4. Perused the record. Heard learned APP and learned advocate of accused and learned advocate of Gaushala at length. In the following case law Hon'ble High Court held that,

a. ***Govansh Raksha Samitee Goshala, Malegaon through his authorized secretary Subhash Pruthwiraj Malu and others Vrs. State of Maharashtra and others.*** Wherein it is held that, there is nothing to show that, animals were to be slaughter or being transported in a cruel manner.

5. The applicant has filed copy of F.I.R., copy of Property Extract i.e. Property Extract No. 486 of Anjangaon Surji, Tal. Anjangaon Surji showing name of his father, copy of purchased receipt issued by Krushi Utpanna Bajar Samitee, Anjangaon Surji. The purchased receipt issued by Krushi Utpanna Bajar Samitee, Anjangaon Surji shows name of applicant as purchaser. The description of Two bullock mentioned in

the say of I.O., present application and purchased receipt is identical. It seems that, applicant has paid service charge to the A.P.M.C. The receipt bears signature of concerned and seal of APMC.

6. The Gaushala sanstha has not specifically claimed of custody of seized animals. According to purchased receipt the present applicant seems to be owner of seized Two bullock. Prima-facie there is nothing on the record to support contention of learned APP and I.O. It is not also come on record that, applicant has previously found guilty the said offence. It seems that applicant has purchased above two bullocks for consideration of Rs.30,000/- and apparently there seems no possibility that, animals will be subjected to the cruelty. Moreover, applicant also filed copy of Property Extract No. 486 of Anjangaon Surji, Tal. Anjangaon Surji showing his fathers name which prima faci shows that the applicants residence. I have carefully gone through Prevention of Cruelty to the Animals (Transport of Animals on Foot) Rules 2001 and guidelines given by Hon'ble Supreme Court in Shri. Chatrapati Shivaji Goshala.

7. From the documents it appears that presently the applicant is owner of animals at this juncture it is difficult to ascertain applicant has committed offence causing cruelty to the animals or regarding to slaughter of animals. The Gaushala Sansthan has not claimed the animals. In such circumstances, no purpose will suffice in keeping the seized cattels at Gaurakshan Sanstha. But, considering the expenditure incurred by the Gaurakshan Sansthan, the applicant is required to pay expenses of Rs. 200/- per day per animal to the Gaurakshan Sansthan. Hence, I pass the following order.

OPERATIVE ORDER

- 1) The application is allowed.
- 2) Police Station Officer, P. S. Anjangaon Surji is directed to handover the interim custody of **2 bullock (as described in FIR animal No.6 and 7)** in crime no.293/2026 to the applicant from the concerned Gaurakshan Sanstha.
- 3) The applicant Mohammed Anis Abdul Tamij is directed to execute indemnity bond of Rs.1,60,000/- (Rs. One Lakh Sixty thousand Only) in favour the Anjangaon Police Station.
- 4) The applicant shall submit one bunch of the verified copy of documents concerning ownership of the 2 bullocks to the concerned police station.
- 6) The applicant shall not cause any cruelty to the animals.
- 7) The applicant shall take every care of the animals and to produce them as and when directed by the I.O. and court.
- 8) The applicant shall produce animals for inspection of the I.O. as and when required by him.
- 9) The applicant is also directed to pay expenses of Rs.200/- per day per animal to the concerned Gaurakshan (Gaushala) Sanstha from the date of their admission to the Sanstha till their release.
- 10) The I.O. is hereby directed to draw detail panchanama by taking coloured photographs of the above animals while handing over the seized animals to the applicant.

Date : 05.08.2026

(S.B.Bahirat)
Judicial Magistrate First Class,
Court No.1, Anjangaon Surji.