

MHKO070011892026 	<u>Cri. M. A. No. 95/2026</u> Laxman Jundhar Parit Vs. State of Maharashtra
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ORDER BELOW EXH. 01

Present application is filed by the applicant namely Laxman Jundhar Parit u/s.503 of the B.N.S.S. for release of vehicle Mahindra Pickup bearing number MH-09-CU-5001, engine no.GHE1H50985 and chassis no.MA1ZN2GHKE1H65936 and 5 animals seized in crime no.216/2026 Of Shirol police station offence punishable u/s.11(1)(d) of The Prevention of Cruelty to Animal Act, u/s.125 of Central Motor Vehicles Act, u/s.38(1) of Transport of Animals Act and u/s.5a(1), 5a(2), 5(b) of Maharashtra Animal Prevention Act. The applicant submits that, he is registered owner of the vehicle and animals. He is ready to abide by terms and conditions. Hence, prayed for release of vehicle and 5 animals on Supratnama.

2) Applicant filed online copy of F.I.R.No.216/2026, original copy of animals purchase receipt No.2802, 2803, 2804, 2805, 2806, 2807 verified copy of certificate of registration, insurance paper and verified copy of Adhar Card, which shows that, applicant is the registered owner of the seized vehicle.

3) The investigation officer has filed his say and submitted that, there is no objection to the release the vehicle and the 5 animals to the applicant subject to terms and conditions.

4) Ld APP has resisted the application stating that, applicant illegally transported 4 deshi bullocks and 1 desi calf with intention of slaughtering. During transportation accused person not having any licence to transport animals. Seized Animals and seized vehicle is important evidence. If vehicle and animals released on bond, it may also used in another similar kind of offence. Applicant/accused may change its nature, may transfer it to third person. Applicant must deposit the expenditure which has been spent by Ved Khillar Gaushala and animals needs to be forwarded to Ved Khillar Gaushala. Hence, prayed for rejection of the application.

5) In this matter Ved Khillar Gaushala appeared and raising objection that seized Pickup be kept as a security. Ved Khillar Gaushala directing the applicant to execute the bond and directions to pay a sum of Rs. 200/- per day, per animals and for continuation of custody of 5 animals and other reliefs.

6) Heard rival submissions of the applicant, learned A.P.P. for the state and learned advocate appearing on behalf of Ved Khillar Gaushala.

7) Perusal of the record, it seems that applicant claiming the custody of the animals and vehicle and contented that he is owner of seized animals and vehicle. Ved Khillar Gaushala is claiming the custody of the seized animals at this juncture. I perused documents and contentions of applicant, the applicant is registered owner of the vehicle and a owner of animals as per receipt as well as his contention. In said offence I.O. seized 5 animals and custody of 5 animals are housed at Ved Khillar Gaushala since 20/06/2026. In the present case investigation officer already handed over the custody of 5 animals to the Ved Khillar Gaushala. Applicant filed on record purchase receipts of 5 animals. But, considering the submission of learned A.P.P. She submitted that, accused is transporting the 5 animals for the purpose of slaughtering but it is no where mentioned in the F.I.R.

8) As per the rule 4 and 5 of the prevention of cruelty to animal care and protection of the case property animal rules 2017, the accused and owner of the Pickup are liable to pay the amount of maintenance toward the medical, fooder and care etc. of all seized animals. So also, as per Section 5 of the Prevention of Cruelty to Animals Care and Protection of the case property animals rules 2017, the magistrate is bound to determined an amount which is sufficient to cover the all reasonable cost incurred and anticipated to be incurred for Transport, maintenance and treatment of animals and shall direct the applicant to execute the bond within 3 days.

9) On this regard, as per rule 5 (4) of the said act, where a vehicle has been involved in an offence, the magistrate shall direct the vehicle to be held as a security. In the light of aforesaid fact the provisions of the law the Ved Khillar Gaushala prayed for rejection of the application and also claim that the seized Pickup to be kept as a security and direction to execute the bond and to paid amount of maintenance Rs.200/- per day per animal to Ved Khillar Gaushala. Therefore, it would proper and just to imposed the cost of amount, which is specified in the minimum rate. Therefore, applicant is liable to pay cost of maintenance to the Ved Khillar Gaushala from the date of custody of seized animals from 20/06/2026 till date of this order. Therefore considering the above facts and circumstances, it just and proper to impose the cost of Rs. 200/- per day per animal for the care and maintenance of 5 animals in this way the applicant is liable to pay to Ved Khillar Gaushala.

10) In the light of above discussion applicant is directed to execute the bond for anticipated expenses. The provision of rule 5 of the rules provide that, if accused and the owner do not execute the bond within 3 days the animal shall be forfeited to the Infirmary, panjarpol, SPCA, animals welfare board or Ved Khillar Ved Khillar Gaushala. Moreover, sub 4 rules 5 of the rules provides that, where a vehicle has been involved in an offence the magistrate shall direct the vehicle to be held as security. However, at the same time the owner of the vehicle would be subjected to the provision of rule 5 sub rule 4 and the vehicle can be held as a

security and execute the bond. In other word the Pickup would not be released in favour of applicant unless he execute the bond.

11) Perused the say of Ved Khillar Gaushala the Gaushala is objecting to return of the animal and sought their custody for proper care and maintainance but Ved Khillar Gaushala no material was produced on record regarding availibility of adequate facilities, veterinary treatment and arrangement at the institution. The applicant has produced receipts showing purchase of the said 5 animals and also produce the registration certificate of the seized vehicle. There is no material on record to show that, the animals where been transported for slaughtering. In the circumstance, this court is of the opinion that the applicant is entitled to interim custody of pickup and 5 animals. Hence I procced to pass the following order :-

ORDER

1. Application is allowed subject to following terms and conditions:-

(a) Ved Khillar Gaushala is directed to handover custody of the seized 5 animals to applicant.

(b) Applicant shall pay Rs.200/- per animal per day sum of Rs.39,000/- (Thirty Nine thousand only) to the Ved Khillar Gaushala towards case and maintenance of animals from 20/06/2026 to till the date of this order within three days.

(c) If, he fail to execute said bond within three days from the date of this order, seized 5 animals shall stand

forfeited to the Ved Khillar Gaushala vide rule 5(1) of the Prevention of Cruelty to Animals to Care and Maintenance of Case property Animals rules, 2017.

2. Seized Mahindra Pickup bearing number MH-09-CU-5001, engine no.GHE1H50985 and chassis no.MA1ZN2GHKE1H65936 be released in favour of applicant Laxman Jundhar Parit on execution of bond of Rs.5,00,000/- in the like amount on condition that, he shall not alinate or change the nature of seized vehicle in any manner and he shall produce the said vehicle as and when required by the Court.
3. Seized vehicle is held as a security vide rule 5 (4) of the Prevention of Cruelty to Animals (care and maintenance of the case property animals) Rules, 2017.
4. The investigation officer to conduct the detail panchnama and take the photographs of seized vehicle and animals and obtain the signature of applicant Laxman Jundhar Parit thereon, before releasing the same and file the same in concern case.
5. I.O. is directed to handover interim custody of vehicle to the applicant after making above mentioned compliance.
6. Place of copy of this order in the record of Crime No.216/2026

Date :- 29/07/2026.

(Smt. P. S. Bhosale)

Judicial Magistrate First Class,
Jaysingpur, Tal.Shirol, Dist.Kolhapur