


MHNS070004762026 	<u>Order Below Exh. 1 in Criminal Bail</u> <u>Application no. 195 of 2026</u> Shaikh Shafique Shaikh Husain Vs. The State of Maharashtra
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1. Accused-applicant **Shaikh Shafique Shaikh Husain**, vide present application under section 482 of the Bhartiya Nagarik Suraksha Sanhita seek protection of anticipatory against arrest in connection with **C.R. no. 11/2026**, under sections 5, 5(a), 9 and 11 of the Maharashtra Protection of Animals Act, 1976 registered at **Taluka Police Station, Malegaon, Tal. Malegaon**, Dist. Nashik.

2. Ld. Advocate for the applicant-accused submits that this accused has no concern with the said offence, however, he has been falsely implicated. Further submitted that this accused has got no concern with the said pick-up vehicle from which the cattles were seized and recovered. It is submitted that this accused is projected as the proposed recipient of the cattles been transported by the co-accused. Further submitted that the statement of an arrested co-accused would not be admissible against another co-accused, thus also the implication of this accused in the present offence is illegal, hence also cannot be arrested.

3. Further submitted that even otherwise seizures and recovery are made at the spot and co-accused is arrested at that time itself, thus investigation stands completed. Also submitted that now nothing is required to be seized or recovered at the instance of this accused. Further submitted that FIR is dated 05.01.2026, investigation ought to be completed by now, therefore arresting this accused shall not be of

any purpose. Next submitted that offence is triable by the Ld. Magistrate. Also submitted that accused undertakes to co-operate in any investigation remaining. Accordingly, seeks protection of anticipatory bail.

4. Bail application is resisted by filing police say at Exh. 4 and the Ld. APP vehemently contending that pursuant to a secret information, raid was conducted, and the police saw truck loaded with 8 cattle live-stock and they were tied with ropes and were loaded in the truck in very cruel manner. Further submitted that cattle live-stock worth Rs. 20,000/- has been found in the said pick-up vehicle. Also submitted that co-accused was driving the said vehicle, and under investigation he has revealed the name of this accused as the recipient of seized cattle live-stock. Accordingly, stated that, therefore, it cannot be a case of false implication of this accused.

5. Further submitted that investigation is continuing and in case, this accused is protected by grant of anticipatory bail, pressurizing and influencing the witnesses, hampering the investigation, cannot be ruled out. Accordingly, resisted the bail application.

6. Upon perusing the bail application, copy of FIR, the objection filed and hearing both the Ld. Advocates, it appears that upon a secret information raid been conducted yielded into seizure of cattle live-stock worth Rs. 20,000/-, co-accused was arrested at the spot, so also seizures, recoveries and panchanama were done at the spot. It is the police say that the name of this accused is disclosed by the arrested co-accused, as the recipient of the seized cattles. The aspects of admissibility of the statement of arrested co-accused vis-avis another

accused shall be an issue contentious at trial.

7. FIR is dated 05.01.2026, more than 2 months have passed, substantial investigation ought to be completed now. Nothing is borne on record as to what aspect of further investigation requires the mandatory custodial presence of this accused. Thus, further investigation can be done without having this accused arrested. However, presence and co-operation of this accused in the investigation shall have to be ensured. Hence, the following order. :-

ORDER

[1] In the event of arrest accused **Shaikh Shafique Shaikh Husain**, be released on bail, in connection with **C.R. no. 11/2026** registered at **Malegaon Taluka Police Station, Malegaon, Tal. Malegaon, Dist. Nashik**, upon his furnishing his P.R. Bond of Rs. 75,000/- (Rs. Seventy-Five Thousand only) with one or more surety of like amount, on the following conditions that.:-

(a) The applicant/accused shall attend the **concerned Police Station, Malegaon, on every Sunday and Thursday between 11:00 a.m. to 2:00 p.m., till further orders.**

(b) The applicant/accused shall not communicate with the complainant or any witnesses and also shall not tamper the prosecution evidence, in any manner.

[2] Inform the concern police station accordingly.

Date : 10.03.2026

(Y. H. Ameta)
Additional Sessions Judge,
Malegaon.