

MHNS100001512026



Cri. Bail Application No.46/2026
[Chandwad Police Stn. C.R. No.49/2026]

Mohammad Husen Farid Shaikh & Other-1

Vs.

State of Maharashtra

Through Chandwad Police Station

ORDER BELOW EXH.1

This is the application for anticipatory bail filed under Section 482 of Bhartiya Nagarik Suraksha Sanhita by the applicants/accused no.1-Mohammad Husen Farid Shaikh and no.2-Shaikh Awais Raees Ahmad who are anticipating their arrest in connection with C.R. No.49/2026 registered with Chandwad Police Station for the for the offences punishable under Sections 5A, 5B, 9 of The Maharashtra Protection of Animals Act, under Section 11(1)(d) of Prevention of Cruelty to Animals Act, under Section 325 of Bhartiya Nyay Sanhita and under Section 119 of Maharashtra Police Act, on the basis of FIR given by informant Police Constable Vikram Vinayakrao Vadje.

2. It is case of the prosecution as per First Information Report that according to the informant, on 05.02.2026, he was on duty in police station Chandwad from 8-00 p.m. to 8-00 a.m. of 06.02.2026. They received secret information that on Manmad-Malegaon Road, at Kanadgaon Shivar illegal transportations of the cattle are going on. Accordingly, police laid trap at Kanadgaon Panpoi Phata. They saw

one truck no.MH-16-AE-5789 standing there and during search, they found 19 cows kept in the said truck in cruel manner for the purpose of slaughtering and three cows were found dead. Accordingly, police arrested Shamshoddin Masoddin Sayyad who was driver of the said vehicle and lodged F.I.R. During the interrogations, he disclosed the names of other accused as owners of the said cattle on whose say he is transporting the said cattle.

3. According to the applicant / accused they are falsely implicated in the matter. According to them, they are no way concerned with the present offence and they prayed to grant anticipatory bail.

4. Present application is strongly opposed by Ld. A.PP by filing say at Exh.5.

5. Heard Ld. Advocate for the applicants / accused at length. He kept his reliance on the ration laid down by Hon'ble Bombay High Court in **Rafik Shagir Kazi Vs. The State of Maharashtra in Cri. Anticipatory Bail Application No.1957/2021 decided on 13.09.2021.** On going through the said ruling, in the matter before Hon'ble Bombay High Court it was the case of prosecution that on the particular day, informant received confidential information that applicant had brought certain animals for the purpose of sacrificing for celebrating Eid festival. Accordingly, police conducted raid at the cattle shed of the accused and found five bullocks and two cows therein and the mother of the accused informed the police that accused had brought the same. Therefore, Hon'ble Bombay High Court observed that except the statement of mother of the applicant, there is no corroborative material to attribute the sections mentioned

in F.I.R. and therefore, anticipatory bail was granted.

6. In the matter in hand, there is no such situation. Ld. A.P.P. and Investigating Officer submitted that there is CDR record of the phone calls between arrested accused and the present accused to show that on the say of present accused, the arrested accused was transporting the said cattle. Therefore, the said ruling is not helpful to the applicants in the present matter.

7. Ld. Advocate for the applicants / accused further kept his reliance on the ratio laid down by Hon'ble Bombay High Court in the case of **Guddu Qureshi a.k.a. Habibul Halim A. Halif Saudagar Vs. The State of Maharashtra, in Anticipatory Bail Application No.1673/2017, decided on 09.01.2018**. On going through the said ruling, it is seen that in the said matter before Hon'ble High Court, the concerned accused was found obtained permission from Krushi Uttnann Sammittee, Junnar for selling mutton but there was no permission for beef and therefore, anticipatory bail was granted, but, in the matter in hand no such situation is there and therefore, said case law is not applicable to the applicants in the present matter.

8. Ld. Advocate for the applicants/accused further kept his reliance on the ratio laid down by Hon'ble Bombay High Court, Nagpur Bench in the case of **Gulmohammad Shaikh Babu Vs. State of Maharashtra through PSO, in Cri. Application (ABA) No.372 of 2021 decided on 06.08.2021**. In the said matter before Hon'ble High Court, there was only allegations against the concern accused that at his instance, animals are found transported and therefore, anticipatory bail was granted, but in the matter in hand, situation is different and there are direct allegations with CDR reports to show that at the

instance of the present accused, animals are found transported. Therefore, the said ruling is not helpful to the applicants in the present matter.

9. On going through the entire material, thus in the present matter, there are direct allegations against the present accused showing the active participation and involvement. Call Details of the present accused clearly shows their involvement in the matter and therefore, custodial interrogations are necessary. Therefore, anticipatory bail cannot be granted. Therefore, following order.

ORDER

- 1] Application is rejected.
- 2] Inform concern Police Station, accordingly.

Place: Niphad

Date : 10.03.2026

Addl. Sessions Judge
Niphad.