

	<u>ORDER PASSED BELOW EXH. 01 IN</u> <u>CR.M.A.NO. 95/2026:</u> (Prathmesh Prasad Samant V/s. State of Maharashtra) CNR : MHSI06-000590-2026 (Passed on : 17/06/2026)
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The present application is filed by the applicant/owner for getting interim custody of the **2** bulls.

2. It is contended that, applicant was taking his two bulls to Sankeshwar-Belgaum for selling the same by taking legal permission. However, Sawantwadi police has registered false crime No. 123/2026 and seized the bulls. Since then, the bulls are in possession of Sawantwadi police station. Police has wrongly mentioned the name of applicant as “Prathamesh Prasad Sawant”, whereas his real name is “Prathamesh Prasad Samant”. The said bulls are belonging to the applicant. The work of agriculture is going on. For that purpose, he is in need of the bulls. He was about to purchase power tiller by selling the bulls. He had taken every care of the bulls. As the police has seized the bulls illegally, he is suffering economic loss. The bulls are kept in Goshala. Therefore, the applicant would suffer irreparable loss, if the bulls are not handed over in the custody of applicant. The applicant is in urgent need of the bulls for agricultural work purpose prior to rainy season. Hence, the application.

3. The say of I.O., opponent No.2, Ld. A.P.P. was called. Opponent No. 2 filed say and gave no objection to return the bulls to the applicant. I.O. filed say (Exh.5) contending that accused has committed serious offence. There is possibility of selling of bulls by the accused. Hence, he objected to return the bulls. Ld. A.P.P. filed say (Exh. 06) contending that applicant may again give cruel treatment to the animals. Applicant is not agriculturist and he has not produced any document to show that he is having agriculture. Court can order to keep the bulls with Goshala as per Rule 3B of Prevention of Cruelty to Animals Rules, 2017. Further, Rs.200/- per day per animal be order to be given to Goshala from the applicant as per Rule 4(3) and circular dated 02.06.2019. Thus, the application may be rejected. Third Party Goshala appeared vide application (Exh.7). But, they failed to file say within time. Hence, application is proceeded without its say.

4. Heard Ld. Advocate for the applicant, Ld. A.P.P. None present on behalf of Goshala.

5. It appears from record that at present the bulls are

kept at Shrikrishna Anandvan Goshala. Applicant contents that he was taking the bulls to Sankeshwar-Belgaum for sell and to purchase power tiller. On perusal of FIR, it reveals that, only at the last of the report, the words “transporting for slaughtering” are appearing. There is no prima facie evidence on record to show that the said bulls were being transported for slaughtering purpose. The report further shows that, the bulls were having Tag numbers. The applicant has produced copy of receipt issued by Sindhudurg Krishna Utpanna Bajar Samiti dated 22.05.2025, which is standing in the name of applicant and quantity of two animals is mentioned in said receipt. Said receipt is of just 1 day prior to the alleged incident. None other, except applicant, has claimed the custody of bulls as owner. Thus, it appears that applicant is the owner of two bulls.

6. In the present case, I.O. has not mentioned in his say that on medical examination of the animals there is any injury to the animals and they are unfit to perform their day to day normal activities. It is nowhere brought on record that the conditions of the seized bulls were injured or not well and were needed to be treated or cared in infirmary/Pinjrapole. It is the first offence alleged against the present applicant.

7. Though, prima facie, it is presumed that there is violation of Transport of Animals Rules, 1978, however, those are not sufficient to deprive applicant of the interim custody of the bulls. It is in the discretion of the Court whether to handover the custody of bulls to Goshala or to the owner of the bulls. There is no situation that the bulls should be maintained at Goshala at the costs of the applicant. Nowadays, the rainy season is about to start. Applicant has mentioned his business as agriculture. It appears that being agriculturists, the livelihood of the applicant and his family is depending on agriculture business. The bulls are part and parcel of the business of the agriculture. Considering peculiar facts and circumstances of the case, this Court is of the view that, applicant is the person who is entitled for the interim custody of the bulls. Ld. A.P.P. submits that as per circular dated 02.06.2019, maintenance costs of Rs. 200/- per day per animal be awarded to Goshala. The applicant is ready to pay the earlier maintenance charges of the bulls.

8. Considering all above facts, the application deserves to be allowed. However, some conditions are required to be imposed on the applicant. Hence, following order is passed:

ORDER

1. The application is allowed.
2. The seized **2** bulls as described in application be handed over to the applicant upon his furnishing all the particulars regarding said bulls and executing supurtnama bond of **Rs.1,00,000/-**, on the following conditions-
 - (a) Investigating officer is hereby directed to take colour photographs of the said bulls from all angles at the expenses of applicant and prepare detailed panchnama before handing over the said bulls to the applicant and obtain his signature on the photographs and panchnama, which will be produced alongwith the final report in the Court, if any.
 - (b) The applicant shall produce the bulls as and when required by the Court.
 - (c) The applicant shall appraise this Court as to the place where the bull shall be kept and maintained.
 - (d) In case of death of any bull, the applicant shall inform to police station Sawantwadi without delay.
 - (e) Upon report of death of any bull, the concerned Police Officer shall immediately obtain report from the concerned Veterinary Dispensary as to cause of death of bull and submit the same to the Court.
3. Before handing over the seized bull to the applicant, the applicant is directed to pay the maintenance charges/fees to the Goshala @ **Rs.200/-** per day per animal from the date of admission of bulls at Goshala till the date of this order.
4. Bond be executed before P.S.O., Sawantwadi Police Station.

(Pronounced in open Court)

(S. P. Patil)

Date: 17/06/2026

Judicial Magistrate, F.C., Sawantwadi