# IN THE HIGH COURT OF JUDICATURE AT BOMBAY
## CRIMINAL APPELLATE JURISDICTION

### Anticipatory Bail Application No. 2569 of 2024

Yamin Yasin Qureshi,
Aged 64 Years, Occ: Business,
R/at: Flat No.303, C Wing,
Link Road, Patliputra Nagar,
Opp. Mega Mall,Jogeshwari (W),
Mumbai 400 102                                    …      Applicant

                              Vs.

The State of Maharashtra
(Kashimira Police Station)                        …      Respondent

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Mr Rohit Vaishya, for the Applicant.
Mr Yogesh Y Dabke, APP for the Respondent – State.
PSI Swapnil Belose, Kashimira Police Station, is present.

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                    **Coram :  R.N. Laddha, J.**
                    **Date :  13 September 2024**

P.C. :

Heard Mr Rohit Vaishya, the learned Counsel for the applicant and Mr Yogesh Dabke, the learned Additional Public Prosecutor for the respondent/State.

2.     This is an application for pre-arrest bail in connection with CR No.400 of 2024, registered with Kashimira Police Station, against the applicant, for offences punishable under Sections 325, 3(5) of the Bhartiya Nyan Sanhita, 2023, read with Section 11, 5(c), 9(A), 9(B) of the Maharashtra Animal Preservation Act, 1995 read with Section 412 of the Bombay Municipal Corporation Act, 1949.

3.      On 29 July 2024, around 4.30 a.m., the first informant received confidential information about a tempo bearing registration No.MH-48-CQ-0243 transporting beef from Sangamner to Ahmedabad via the Mumbai highway Malwani. Acting on this tip, the informant and others waited near Ajit Palace Hotel on the Ahmedabad highway and spotted the tempo at 5.50 p.m. They attempted to stop the vehicle, escorted by a Skoda car that fled the scene. The informant contacted the police, and officers from Kashimira Police Station arrived, taking the vehicle and its two occupants into custody. At the police station, a veterinary medical officer and witnesses were called, and they collected beef samples from the vehicle in six transparent plastic containers, which were then seized and sealed by police officers in the presence of the witnesses. The vehicle was subsequently taken to RK computerised weighbridge, where the beef was weighed, totalling 6060 kgs. with the vehicle and 1065 kg. without it. The police seized the vehicle, beef, and empty bags containing chaff. Following the seizure, the police interrogated the apprehended accused, and during the investigation, it revealed that Akin Harun Qureshi and Farhan Gafar Qureshi of Sangamner had given them the beef through Anwar Hazi for transportation and delivery to the applicant.

4.      Mr Rohit Vaishya, the learned Counsel for the applicant, submits that the applicant has been falsely implicated in the present crime. The allegations against the applicant are *ex-facie* spurious and without a

bonafide foundation. Since the vehicle and the beef have already been seized, there is no need for the applicant's custodial interrogation.

5. Mr Yogesh Dabke, the learned APP representing the respondent/State, submits that there is sufficient material against the applicant to implicate him in the present crime. The learned APP emphasises that the investigation is at a nascent stage, and granting pre-arrest bail would hamper the investigation. Additionally, the applicant has three criminal antecedents of a similar nature.

6. Upon perusing the records, it appears that there is sufficient material indicating the applicant's involvement in the crime. The investigation is at a nascent stage, and granting pre-arrest bail would hinder the investigation. The applicant has three criminal antecedents of a similar nature. In the facts of the present case, custodial interrogation of the applicant would be necessary to uncover all aspects of the facts. In the totality of the circumstances, this Court is not persuaded by the applicant's claim of non-involvement in the alleged crime, and *prima facie,* no offence under the mentioned Sections is made out. Releasing the applicant on pre-arrest bail would jeopardise the course of an effective investigation. In the circumstances, this Court is not inclined to exercise the discretion in favour of the applicant. Accordingly, the application stands rejected.

[R.N. Laddha, J.]

*13 September 2024*