



ITEM NO.3

COURT NO.4

SECTION II

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).12901/2024

(Arising out of impugned final judgment and order dated 16-08-2024 in SBCRMBA No.5748/2024 passed by the High Court Of Judicature For Rajasthan At Jaipur)

NAJIM KHAN

Petitioner(s)

VERSUS

STATE OF RAJASTHAN

Respondent(s)

(IA No. 213170/2024 - EXEMPTION FROM FILING O.T.)

Date : 21-10-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Aftab Rasheed, Adv.  
Mr. M.A. Mansoori, Adv.  
Mr. Aftab Ali Khan, AOR  
Mr. Rahat Ali Chaudhary, Adv.  
Mr. Mansur Ali Khan, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

1. The petitioner seeks enlargement on regular bail in FIR No.62/2021 registered at Police Station Nadoti, District Karauli, Rajasthan under Sections 3, 5, 8, 9 and 10 of the Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995 and Section 11(1)(a)(b)(d)(f) of the Prevention of Cruelty to Animals Act, 1960.
2. The allegations are that the petitioner and his co-accused are involved in illegal export of animals bovine. It is alleged that on

13.02.2021 while patrolling, a container truck coming from Gangapur City was intercepted on the apprehension that it might be filled with cattle, for being transported out of Rajasthan for cow slaughtering. The driver and one passenger were arrested. The third person, who was later on identified as the petitioner, ran away. On checking the container there were 26 cows of different ages, including three calves aged between 3 to 6 years and one cow aged around five years was found dead. The container was seized and FIR was lodged. The petitioner has been absconding since then and he could be arrested only on 30.04.2024.

3. The impugned judgment of the High Court reveals that the petitioner is habitual offender and there are seven such cases already registered against him.

4. Notice of this petition was issued and as per the office report it was delivered to the State of Rajasthan on 08.10.2024, but no one has filed Vakalatnama or entered appearance.

5. Due to absence of the State counsel, it is not known as to what is the current status of the seven cases registered against the petitioner earlier and/or the trial status of the present case.

6. We also find from the record that the petitioner is a resident of Uttar Pradesh and there is likelihood of his absenting from the trial in Rajasthan. At the same time, we see no useful purpose to keep the petitioner in custody for an indefinite period except some preventive measures against repeat offence are required to be enforced against him.

7. Taking into consideration the totality of the circumstances and without expressing any opinion on the merits, the instant

petition is disposed of and the petitioner is directed to be released on bail subject to the following conditions:

(i) The petitioner will furnish adequate bail bonds with two sureties of the like amount to the satisfaction of the Trial Court so as to ensure that he regularly appears before the Trial Court in future.

(ii) In case the petitioner is found involved in a similar offence in future, it shall be deemed to misuse of the concession of bail and in the event of his arrest, he shall not be entitled to concession of bail save and except under the orders of this Court.

(iii) The petitioner shall regularly appear before the Trial Court unless exempted from personal appearance, failing which his absence shall be taken as the misuse of the concession of bail.

8. The special leave petition is, accordingly, disposed of.

9. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)  
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)  
ASSISTANT REGISTRAR