IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 4th OF NOVEMBER, 2026

MISC. CRIMINAL CASE No. 52772 of 2026

CNR No.: MPHC010791892026

MAZHAR KHAN

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Mohammad Ali - Senior Advocate with Shri Ahmad Vahid Hussain - Advocate for the applicant.

Shri Anubhav Jain - Government Advocate for the respondent/State.

ORDER

This is the ***first*** application filed by the applicant under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023/439 of the Code of Criminal Procedure, 1973, for grant of bail in connection with FIR/Crime No.233/2026 registered at Police Station Nazirabad, District Bhopal (M.P.) for the offences punishable under Sections 4, 6 & 9 of the M.P. Govansh Vadh Pratishedh Adhiniyam, Section 325 of the B.N.S. 2023 and Sections 25 and 27 of the Arms Act. The applicant is in custody since 28.09.2026.

2. As per the prosecution story, on 17.09.2026, the complainant lodged a report regarding his missing brown bull, which could not be traced despite repeated searches. On the following morning, certain remains and bloodstains were allegedly found near the plantation/forest area of Village

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Sahodra. During investigation, the present applicant was implicated on the basis of the alleged memorandum statements of co-accused persons, who disclosed that the applicant, along with other accused persons, had travelled in a Brezza car bearing registration No. MP04-CS-9252 and, after spotting the bull near the roadside forest fencing, co-accused Irshad shot it with a rifle. Thereafter, they allegedly slaughtered the animal, carried its meat in their vehicles towards Bhopal, disposed of certain remains on the way and subsequently distributed, cooked and consumed the meat, on the basis of which the aforesaid offences were registered against the applicant and other co-accused persons.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated on the memorandum statements of the other co-accused persons. Investigation is complete. It is further contended that no rifle or firearm alleged to have been used by the applicant in the commission of the offence and nothing has been recovered from the possession of the applicant. It is further submitted that the main allegation levelled against the co-accused Irshad Khan with regard to the firearm which cannot automatically be attributed to the present applicant. The applicant has been in custody since 28.09.2026 and his continued incarceration would amount to a denial of his valuable right to personal liberty guaranteed under Article 21 of the Constitution of India. Charge-sheet has already been filed and the applicant bears no criminal past. The conclusion of the trial will take considerable time. The applicant is ready to abide by all the conditions which may be imposed by this Court. On the aforesaid grounds, the

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applicant deserves to be enlarged on bail.

4. *Per contra*, learned Government Advocate for the State has opposed the applicant and submitted that one rifle 30 bore has been seized from Scorpio Car No.MP-20-CF/9087 from co-accused Irshad and an iron knife was seized from the present applicant from Brezza Car No.MP-04-CS/9252. That apart, animal faces, blood-stained soil and grass and bone-like material recovered from the scene which were sent to the Centre for Cellular and Molecular Biology Research, Hyderabad for testing and report has not yet been received. Learned Government Advocate has placed reliance on the judgment of Supreme Court in ***Animal Welfare Board of India Vs. A. Nagaraja and others, (2014) 7 SCC 547*** to contend that animals also have right to live a dignified life and protection. It is further submitted that keeping in view the gravity of offence and Section 13A of the Madhya Pradesh Cow Breed Prohibition Act, 2004, the applicant does not deserves to be enlarged on bail.

5. Heard the rival contention of learned counsel for the parties and perused the case diary.

6. Having considered the submissions advanced by learned counsel for the parties and the material available on record, particularly the nature and gravity of the allegations, it appears that the applicant was allegedly travelling along with the co-accused persons in the vehicle used for transporting the slaughtered animal. An iron knife has also been seized from the possession of the applicant. Further, a rifle allegedly used in the commission of the offence has been seized from co-accused Irshad Khan.

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The biological material, blood-stained soil, grass and other remains recovered from the spot have been sent to the Centre for Cellular and Molecular Biology Research, Hyderabad, and the relevant report is still awaited. The allegations, therefore, require due consideration in the light of the material collected during investigation. Having regard to the nature and gravity of the alleged offence and the statutory provisions governing the same, this Court is not inclined to enlarge the applicant on bail at this stage.

7. Accordingly, this first bail application filed by the applicant under Section 483 of the BNSS, 2023 stands **dismissed**.

(VIVEK RUSIA)
JUDGE

Shivani

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