

HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No. 451 of 2023

Nawab ...Applicant

Versus

State of Uttarakhand ...Respondent

Present:-

Mr. Mohd. Safdar, Advocate for the applicant.
Mr. K.S. Bora, D.A.G. for the State.

With

Anticipatory Bail Application No. 452 of 2023

Anjam ...Applicant

Versus

State of Uttarakhand ...Respondent

Present:-

Mr. Mohd. Safdar, Advocate for the applicant.
Mr. K.S. Bora, D.A.G. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Since both these anticipatory bail applications arise from one and the same FIR, they are decided by this common order.

2. Applicants seek anticipatory bail in Case Crime No. 368 of 2023, under Sections 3/5/11 of the Uttarakhand Protection of Cow Progeny, 2007, Police Station Kotwali Laksar, District Haridwar.

3. Heard learned counsel for the parties and perused the record.

4. According to the FIR, on 27.04.2023, Police raided a place and arrested the co-accused with beef and other articles. It is the accused who told to the police that he had purchased beef from the applicants. The applicants managed to escape.

5. It is the case of the applicants that they have been falsely implicated; The applicants have nothing to do with the alleged offence; nothing was recovered from them; the applicants are not the previous convict.

6. On the last occasion, it was told that coercive processes have been issued against the applicants. Therefore, the Court wanted to know from the learned State counsel, as to when non bailable warrants or other processes were issued against the applicants?

7. Learned State counsel would submit that instructions have yet not been issued.

8. Learned counsel for the applicants would submit that the FIR was lodged on 27.04.2023. The applicants did apply for the anticipatory bail before the court of sessions, which was rejected on 03.06.2023 and in that bail rejection order, there has been no mention of any coercive processes

that have been issued against the applicants. Thereafter, on 15.06.2023, the applicants filed anticipatory bail application before this Court. On 16.06.2023, this Court had already granted ad interim anticipatory bail to the applicants.

9. Having considered the entirety of facts, this Court is of the view that this is a case fit for anticipatory bail.

10. The anticipatory bail applications are allowed.

11. In the eventuality of arrest, the applicants shall be enlarged on anticipatory bail subject to their furnishing a personal bond with two sureties, each in the like amount, to the satisfaction of the Arresting Officer ("AO"). In addition to it, the applicants shall also comply with the following conditions:

- (i) The applicants shall co-operate with the investigation.
- (ii) The applicants shall not approach any witness in any manner, whatsoever.
- (iii) The applicants shall not leave the country without prior permission of the concerned court.
- (iv) The applicants shall deposit their passport with the AO. The passport may only be returned by the order of the court concerned. In case the

applicants do not have passport, they shall give an undertaking to that effect to the AO.

- (v) The applicants shall also give an undertaking on (i), (ii) & (iii) above.

(Ravindra Maithani, J.)
26.12.2023

Ravi