

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 33877 of 2023

Applicant :- Talib Alias Salib

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Shaafi, Shujauddin

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. The instant bail application is listed today as nominated case vide order of Hon'ble the Chief Justice dated 7.11.2023.
2. Heard Sri Shujauddin, learned counsel for the applicant and Dr.S.B.Maurya, learned AGA-I, for the State.
3. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.435 of 2022, under Section 3/5/8 Prevention of Cow Slaughter Act, Police Station Milak, District Rampur during pendency of the trial.
4. FIR of the present case was lodged against unknown persons under the provisions of Cow Slaughter Act and according to the FIR, one slaughtered cow was recovered from sugarcane field.
5. Learned counsel for the applicant submits, applicant was neither named in the FIR nor any recovery was made from his possession and as per prosecution during investigation applicant was arrested and after his arrest he confessed his guilt.
6. He further submits that except the confessional statement of applicant and statements of co-accused persons there is no other evidence against the applicant on record.
7. He further submits that unfortunately applicant was having criminal history of seven cases of Cow Slaughter Act and only

due to this reason he has been made accused in the present matter during investigation.

8. He further submits that the criminal history of applicant has been explained in the affidavit and supplementary affidavit filed in support of the present bail application.

9. He further submits that applicant in the present matter is in jail since 11.7.2023 and the bail application of other co-accused persons have already been allowed by different Coordinate Benches of this Court.

10. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by the learned counsel for the applicant.

11. I have heard learned counsel for the parties and perused the record of the case.

12. However, it appears that applicant was having previous criminal history of seven cases of Cow Slaughter Act but he was neither named in the FIR nor any recovery was made from his possession.

13. Further, it appears that except the confessional statement of applicant and statements of co-accused persons there is no other evidence against the applicant on record.

14. Further, the criminal history of applicant has been explained in the affidavit and supplementary affidavit filed in support of the instant bail application.

15. Further, all other accused persons have already been enlarged on bail by this Court and applicant is in jail in the present case

since 11.7.2023.

16. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

17. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

18. Let the applicant-**Talib alias Salib** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

19. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

20. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 17.11.2023

SKM