

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38527 of 2023

Applicant :- Smt. Zahida Khatoon

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Learned A.G.A has filed counter affidavit today in Court, which is on record.
2. Heard Sri Rajesh Dwivedi, learned counsel for the applicant, learned A.G.A for the State and perused the record.
3. The instant bail application, under Section 439 Cr.P.C of the Code of Criminal Procedure, 1973, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 376 of 2023, under Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act and 4/25 Arms Act, Police Station- Ghatampur, District Kanpur Nagar, during the pendency of trial.
4. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case due to ulterior motive. He has never involved in any other criminal cases prior to present case.
5. From perusal of the record, it transpires that the forty kg. of beef alongwith axe, seven sharp-aged knives, balance and weight from the possession of the applicant have been recovered. The case of the present applicant is totally different from the the co-accused Kaleem, who was neither arrested from the spot nor anything incriminating article or any proof has recovered from his

possession.

6. Today by way of counter affidavit, filed by the State, it has been stated that as per forensic laboratory, Mathura, the sample was found to be beef.

7. Considering the facts and circumstances of the case, this Court is of the considered view that the grounds mentioned in the bail application are neither sufficient nor satisfactory to release the applicant on bail. The bail application is devoid of merit and is liable to be dismissed at this stage.

8. Accordingly, the bail application is **rejected** at this stage.

Order Date :- 01.11.2023.

Vinod.