

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45058 of 2023

Applicant :- Shad Shekh @ Lucky

Opposite Party :- State of U.P.

Counsel for Applicant :- Sharad Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary Affidavit, filed today is taken on record.
2. Heard Sri Sharad Srivastava, learned counsel for the applicant as well as Sri Mithilesh Kumar learned A.G.A. for the State and perused the record.
3. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant, **Shad Shekh @ Lucky**, on bail in Case Crime No.432 of 2023 under Sections 3/5/5B/8 Cow Slaughter Act, and Section 3/11 Animal Cruelty Act, Police Station- Kotwali, District- Ghazipur, during the pendency of the trial.
4. As per the prosecution, the police acting on a tip off by an informant, raided a premise and recovered two quintal beef, 30 kg meat of buffalo broilers and 80 kg fat of cow progeny. The police also recovered a motorcycle vehicle standing outside the premise.
4. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The applicant has no concern with the alleged crime. There is no independent witness of the alleged recovery of beef. As a matter of fact, the applicant is resident of mohalla Gora Bazar about three km away from the place of incident and Bua is the resident of mohalla Nagahi Bagh which is just 20 pace away from the place of incident, the applicant was going to take his Phupha to a hospital, however, in the way due to some altercation with the police personnel, the applicant has been falsely implicated in this false case. The motorcycle belongs to him. It is further contended that applicant belongs to Mansoori (Shekh) community and usually they are not indulged in butchering. The applicant is in jail since 28.08.2023, in case he is enlarged on bail, he will not misuse the said liberty.

5. Learned A.G.A. has vehemently opposed the prayer and contended that the applicant is named in the F.I.R. The applicant along with other co-accused was arrested from the spot while slaughtering and selling the beef. Three quintal beef, slaughtering implements, a sum of Rs. 1250/- and weighing machine (scales), 170 skins of animals of cow progeny along with three live animal of cow progeny and 9 buffalo broilers have been recovered from the spot. As per the veterinary doctor, the meat was proved to be beef as such it is a serious offence and the accused, if enlarged on bail, would again be indulged in similar activities and there is every possibility that the accused would temper with the evidence. Therefore, the accused does not deserve to be enlarged on bail.

6. Having regard to the aforesaid overall facts and circumstances of this case and also keeping in view the arguments advanced on behalf of the parties, nature and manner of commission of offence and evidence regarding the complicity of applicant, no case for bail, at this stage, is made out.

7. Accordingly, the bail application is rejected.

Order Date :- 22.11.2023

S.Verma