

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 11996 of 2023

Applicant :- Jasim

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajai Kumar, Shreya Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Ajai Kumar, learned counsel for the applicant, Sri Anit Kumar Shukla, learned A.G.A. for the State and perused the material placed on record.
3. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.229 of 2013, under Sections 3/5/8 Prevention of Cow Slaughter Act, Police Station- Mundha Pandey, District Moradabad, during the pendency of trial.
4. As per prosecution story, the house of the applicant was raided by the police on 5.10.2023 at about 08:30 a.m. on the informant of squealer, whereby the applicant was found chopping beef in his premises and is stated to have run away after seeing the police.
5. Learned counsel for the applicant has stated that the house of another person Azeem was raided and instead the applicant has been falsely implicated in this case. The criminal history of one case assigned to the applicant as Case Crime No.76 of 2011 has been explained in paragraph-14 of the affidavit. The applicant has nothing to do with the said offence. The applicant has apprehension of his arrest. Learned counsel for the applicant undertakes that he has co-operated in the investigation and is ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.
6. Per contra, learned AGA has vehemently opposed the anticipatory bail application on the ground that applicant has criminal history of two cases and he has not annexed any order regarding Case Crime No.106 of 2007, registered at P.S. Mahila Than, District Moradabad.
7. After hearing learned counsel for the applicant as well as

learned A.G.A. and taking into consideration that criminal history of the applicant, which is of the year 2007, has not been explained and the applicant is absconding since then, I do not find it a fit case for grant of anticipatory bail to the applicant.

8. The present anticipatory bail application is hereby found devoid of merits and is accordingly ***rejected***.

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

Order Date :- 2.11.2023

Vikas

[Krishan Pahal, J.]