

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 57502 of 2019

Applicant :- Salim @ Guddu And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Saiyad Iqbal Ahmed, Ravindra Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Siddharth Singh, learned Amicus Curiae for the applicants and Sri Ram Mohit Yadav, learned A.G.A. for the State as well as perused the record.
3. The present anticipatory bail application has been filed on behalf of the applicants- Salim @ Guddu and Anas Rahil @ Shanu in Case Crime No.461 of 2019, registered under Sections 420, 467, 468, 471, 269, 270, 429, 34 I.P.C. and 3/11 Ka(Tha) Prevention of Cruelty to Animals Act, at Police Station- Galshaheed, District- Moradabad with a prayer to enlarge them on anticipatory bail.
4. As per prosecution story, two quintal of beef is stated to have been recovered from the house of the applicants and in all 80-85 quintal of beef and 117 animals are stated to have been recovered from raid conducted at various persons.
5. Learned Amicus Curiae for the applicants has stated that they have been falsely implicated in this case. The applicants have nothing to do with the said offence. The applicant no.1 is the father of applicant no.2, who happens to be proprietor of Altamash Traders and holds licence under the FSSAI Act, 2006 for selling meat products including poultry. Learned Amicus Curiae has stated that the provisions of Cow Slaughter Act do not attract to the present case as it is the buffalo meat and not of cow progeny. There is no forensic report to suggest that the said beef belongs to cow progeny. The implements recovered from their house belong to said chopping of meat they sell.
6. Learned Amicus Curiae for the applicant has further stated that the applicant no.1 being the father of applicant no.2, who is the proprietor of Altamash Traders, has been falsely implicated

in this case. Several other submissions have been made on behalf of the applicants to demonstrate the falsity of the allegations made against them. The applicants have apprehension of their arrest. Learned Amicus Curiae has stated that the applicants undertake that they have co-operated in the investigation and are ready to do so in trial also failing which the State can move appropriate application for cancellation of anticipatory bail.

7. Per contra, learned A.G.A. has vehemently opposed the anticipatory bail application.

8. After hearing learned counsels for the parties and taking into consideration that heavy amount of meat was recovered from the house of the applicants, which is an admitted fact, I do not find it a fit case to grant anticipatory bail to the applicants.

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

10. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and shall not affect the trial.

11. Mr. Siddharth Singh, Amicus Curiae has assisted the Court very diligently. This Court provide that he shall be paid counsel's fee as Rs.15,000/-. The State Government is directed to ensure payment of aforesaid fee through Additional Legal Remembrancer posted in the office of Advocate General at Allahabad to Mr. Siddharth Singh, Amicus Curiae, without any delay and, in any case, within 15 days from the receipt of a copy of this judgment/order.

Order Date :- 22.11.2023

Vikas

[Krishan Pahal, J.]