

**Court No. - 29**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 6311 of 2023

**Applicant :-** Mohd. Faisal And 2 Others

**Opposite Party :-** State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko.

**Counsel for Applicant :-** Neeraj Kumar Srivastava, Babu Ram Shukla, Mohd. Salman

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mrs. Sadhna Rani (Thakur), J.**

1. Heard learned Counsel for the applicants as well as learned A.G.A. and perused the record.
2. The accused- applicants are involved in Case Crime No. 182 of 2022, under Sections- 3/5/8 of Uttar Pradesh Prevention of Cow Slaughter Act, 1955, Police Station- Nawabganj, District- Pratapgarh.
3. It is argued by learned counsel for the applicants that the applicants have not committed the crime, due to political rivalry, they have been falsely implicated. There is no criminal history of any of the applicants. The applicants are said to be languishing in jail since 09.10.2022. Hence the prayer for bail is made.
4. Learned A.G.A., however, opposed the prayer for bail of the applicants and has filed counter affidavit in Court today. Let it be kept on record.
5. Learned A.G.A has submitted that ninety kilograms of beef is reported to have been recovered from the applicants. As per Forensic Science Laboratory (in short "FSL") report, the recovery of beef is confirmed.
6. From perusal of the record, it is found that there is allegation against the applicants that they were found cutting beef and ninety kilograms of beef has been recovered from them. From FSL report also, the recovery of beef is confirmed. However, there is no independent witness of the recovery. Admittedly, there is no criminal history of any one of the applicants. The applicants are languishing in jail since 09.10.2022.
7. Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any

opinion on the merit of the case, I find it to be a case of bail.

8. The bail application is **allowed**.

9. Let **the applicants namely Mohd. Faisal, Mumtaz Ahmad and Riyasat Ali**, who are involved in aforesaid crime be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

(i) The applicants will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.

(ii) They will not tamper with the witnesses.

(iii) They will not indulge in any illegal activities during the bail period.

10. The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicants to the prison.

11. It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

**Order Date :- 12.12.2023**

Mohit Singh/-