

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6392 of 2023

Applicant :- Hasim @ Haseen

Opposite Party :- State Of U.P. Through Secretary Home Department Civil Secretariat, Lucknow

Counsel for Applicant :- Devendra Pratap, Shashank Shekhar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shashank Shekhar Singh, the learned counsel for the applicant, Sri Arpit Kumar, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 381 of 2023, under Sections 3/5A/8 of U.P. Prevention of Cow Slaughter Act and Section 11 (gha) of Animal Cruelty Act, registered at Police Station Qasimpur, District Hardoi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.11.2022 against the owner and driver of a vehicle and 2-3 unknown persons stating that 27 cow progenies were recovered from the container truck, out of which 7 animals had died. The applicant has been implicated in the present case after his arrest in another case.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. A supplementary affidavit has been filed disclosing the applicant's involvement in 15 other cases, in all of which the applicant has been granted bail.

5. Learned counsel for the applicant has submitted that the other co-accused person Kamlu, who was also not named in the

present case and has been implicated subsequently, has been granted bail by this court by means of an order dated 27.02.2023, passed in Criminal Misc. Bail Application No.2935 of 2023.

6. The State has filed a counter affidavit opposing the bail application.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not named in the F.I.R. and no incriminating material has been recovered from his possession or on his pointing out; that another co-accused has already been granted bail by this court and the applicant is languishing in jail since 02.11.2022 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

8. Accordingly, this bail application stands **allowed**.

9. Let the **applicant-Hasim @ Haseen** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 28.10.2023
Ram.