

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6679 of 2023

Applicant :- Sonu @ Taj Mohammad

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

Counsel for Applicant :- O.P. Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Ashish Shukla holding brief of Sri O.P. Tiwari, the learned counsel for the applicant, Sri Virandra Kumar, learned A.G.A.-I 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. 437 of 2022, under Sections 379 IPC and Section 3/5/8 of Cow Slaughter Act, Police Station Baghauli, District Hardoi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 27.10.2022 alleging that the informant's bull was stolen in the night of 26/27.10.2022 and was slaughtered.
4. The police claimed to have arrested 7 persons on 02.11.2022 on the basis of information received from a mukhbir. Two of them, Kamlu and Haseen stated in their custodial statement that about one and a half month's ago, they had sold flesh of a cow progeny to some persons, including the applicant.
5. In the affidavit filed in support of the application, it has been stated that the applicant has been falsely implicated in the present case.
6. The State has filed a counter affidavit opposing the bail application. It has been stated that the applicant has long criminal history of 29 cases.
7. A rejoinder affidavit has been filed on behalf of the applicant disclosing his involvement in 35 cases, in 29 of which he has been granted bail, 2 cases stand closed upon expiry of the stipulated period, 2 cases are not related to the applicant and in 1 case he has not been summoned.
8. Learned counsel for the applicant has stated that co-accused Raj Kumar @ Kankaua has been released on bail by means of

an order dated 19.01.2023 passed by this Court in Criminal Misc. Bail Application No. 701 of 2023.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated solely on the basis of custodial statement of the co-accused person, who has stated that he had sold some undisclosed quantity of flesh to the applicant about one and a half month's ago and even on this statement no offence under U.P. Prevention of Cow Slaughter Act, 1955 appears to have been made out against the applicant, as purchase of flesh of cow progeny is not an offence under the aforesaid act, I am of the view that the applicant is entitled to be released on bail in the present case.

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

11. Let the applicant-***Sonu @ Taj Mohammad*** be released on bail in Case Crime No. 437 of 2022, under Sections 379 IPC and Section 3/5/8 of Cow Slaughter Act, Police Station Baghauli, District Hardoi 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.

Order Date :- 11.10.2023

Pradeep/-