

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7110 of 2023

Applicant :- Yaar Mohammad @ Nimbar (Mohd. Yaar @ Nimbar)

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

Counsel for Applicant :- Sultan Hasan Ibrahim, Neeraj Sahu, Rajesh Kumar Srivastava

Counsel for Opposite Party :- G.A.

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

Heard learned Counsel for the applicant, learned A.G.A. and perused the record.

The accused- applicant is involved in Case Crime No. 11 of 2023, under Section 3/5/8 of Cow Slaughter Act, Police Station Fursatganj, District-Amethi.

It is argued by the learned counsel for the applicant that as per the FIR there is allegation that on 25.1.2023 at about 13.21 hours the applicant along with 3 other co accused persons was cutting beef. When raided by the police, the rest 3 accused persons made good their escape, only the present application could be apprehended on the spot and 55 kg beef is said to have been recovered from the applicant. No FSL report has been filed till date. The three accused persons who were not apprehended from the spot have been granted bail by the coordinate benches of this court. The applicant is languishing in jail since 25.1.2023. There is no criminal history to the credit of the applicant. Hence, the prayer is made accordingly.

Learned A.G.A. opposed the prayer for the bail of the applicant and submitted that this is the person who was apprehended by the police along with 55 kg of beef though it is admitted that FSL report has not been received yet.

From the perusal of the record, it is found that there is allegation that the applicant was apprehended by the police along with 55 kg of beef but there is nothing on record to confirm that apprehended case property was beef. Admittedly, there is no criminal history to the credit of the applicant. There is no independent witness of the alleged recovery. The applicant is languishing in jail since 25.1.2023.

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.

The bail application is allowed.

Let the applicant Yaar Mohammad @ Nimbar (Mohd. Yaar @ Nimbar) who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

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 applicant to the prison.

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

Gss