

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8565 of 2023

Applicant :- Naseem

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

Counsel for Applicant :- Umesh Kumar Maurya, Dileep Kumar, Hari Prasad, Harjot Singh, Vivek Kumar Rai

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ajay Kumar, the learned counsel for the applicant, Sri Rakesh Kumar Singh, 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. 36 of 2023, under Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act and Section 4/25 of Arms Act, registered at Police Station Aminabad, District Lucknow.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.05.2023 against five persons, including the applicant, stating that on the basis of information received from a mukhbir that four persons were standing with a four wheeler vehicle carrying flesh of cow progenies. The police party intercepted the vehicle. The applicant was arrested on the spot and the other persons had escaped. It is alleged that the applicant had confessed that he is engaged in selling the flesh of cow progenies and two knives were recovered from the vehicle.

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. The applicant's criminal history of two other cases has been disclosed in para 10 of the affidavit in both of which he has already been granted bail. It has also

been submitted on behalf of the applicant that two co-accused persons Dilshan and Mohd. Deen have been granted bail by the Sessions Court and one co-accused person Rizwan has been granted anticipatory bail by this court by means of an order dated 14.06.2023, passed in Criminal Misc. Anticipatory Bail Application No.1398 of 2023.

5. The State has filed counter affidavit opposing the bail application.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that no flesh of cow progenies or any other remains have been recovered from the vehicle or from any other place on the pointing out of the applicant and that three of the other co-accused persons have been granted bail in the present case whereas the applicant is languishing in jail since 20.05.2023 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.

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

8. Let the **applicant- Naseem** 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.

Order Date :- 1.11.2023
Ram.