

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12934 of 2022

Applicant :- Gufran

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

Counsel for Applicant :- Dharm Trivedi, Bhupendra Veer Singh, Gaurav Singh, Manish Kumar Pathak, Mohd. Murtaza Hasan, Surya Prakash

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Learned counsel for the applicant is permitted to correct the name of the applicant in the memo of the bail application during the course of the day.
2. Heard Sri Surya Prakash, the learned counsel for the applicant, Ms. Parul Kant, the learned AGA for the State and perused the records.
3. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 508 of 2022, under Sections 3/ 5/ 8 U.P. Prevention of Cow Slaughter Act, 1955, Police Station Dhaurahra, District Lakhimpur Kheri.
4. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.08.2022 against three persons, including the applicant, alleging that the informant had seen some persons taking away a calf of a cow behind an Idgah and after some time, they saw them slaughtering the calf. The person committing slaughter was caught on the spot and two other persons escaped.
5. The recovery memo mentions recovery of a slaughtered calf lying on the spot and recovery of a knife from the applicant's possession.
6. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
7. A perusal of the recovery memo indicates that it mentions arrest of the applicant from the spot and thereafter the police

raided the house of the co-accused persons Dawood and Mabood but could not find them there and thereafter the police went to another place on the information received from a mukhbir and arrested the co-accused Mabood, from which prima facie it appears that the recovery memo was not prepared on the spot of the recovery and the recovery memo does not make a mention of the recovery having been witnessed by any independent person.

8. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

9. Having considered the aforesaid facts and circumstances of the case 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 case.

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

11. Let the applicant-***Gufran*** 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 :- 29.11.2023

Pradeep/-