

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12079 of 2023

Applicant :- Munna Qureshi

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

Counsel for Applicant :- Gulam Mustafa

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Gulam Mustafa, the learned counsel for the applicant as well as Sri Amitabh Chaturvedi, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 272 of 2023, under Section 429 I.P.C. and Section 3/5/8 of U.P. Prevention of Cow Slaughter Act and Section 13 of Animal Cruelty Act, registered at Police Station Bilgram, District Hardoi.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 22.05.2023 alleging that on the basis of information received from a mukhbir, the applicant was apprehended from a public place and 30 Kg flesh was packed in a plastic sack kept near him. The F.I.R alleges that the applicant had confessed having slaughtered an animal and that he was going to sell the flesh.
4. In the affidavit filed in support of the 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.
5. Sri Amitabh Chaturvedi, the learned A.G.A. has opposed the bail application and he has submitted that in forensic examination of a sample of the flesh recovered from the spot, it

has been found that the flesh belongs to a cow or its progenies, but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that although 30kg is said to have been recovered from the applicant, no independent persons has witnessed the recovery; that although the F.I.R mentions that the applicant had confessed having slaughtered an animal but no other remains of the animal have been recovered apart from the 30 kg flesh allegedly carried by him, coupled with the fact that the applicant has no criminal history and he is languishing in jail since. 23.05.2023, without making any observations 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.

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

8. Let the **applicant- Munna Qureshi** 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 the 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 :- 10.10.2023

Preeti.