

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2267 of 2023

Applicant :- Babar

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

Counsel for Applicant :- Rajiv Raman Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Adarsh Shukla holding brief of Sri Rajeev Raman Srivastava, the learned counsel for the applicant, Sri Jayant Singh Tomar, the learned AGA-I for the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in an FIR bearing Case Crime No. 316/2023, under Sections 3/5A/8 Cow Slaughter Act and 7 Criminal Law Amendment Act, Police Station Maholi, District Sitapur.
3. The aforesaid case has been registered on the basis of an FIR lodged by a Sub Inspector of Police on 28.05.2023 alleging that some undisclosed quantity of flesh of some cow progeny was found kept in an unattended car.
4. In the statement of co-accused Anees recorded by the Investigating Officer, he stated that the applicant was also traveling in the car with him.
5. In the affidavit filed in support of the application, it has been stated that the applicant is innocent. The applicant's involvement in six other cases has been disclosed in para 13 of the affidavit, in three of which he has been granted bail and in two other cases he has been granted anticipatory bail.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the FIR does not mention the quantity of flesh recovered from the vehicle; that although the FIR mentions presence of large crowd at the time

of recovery but no independent person has witnessed the recovery and the applicant has been implicated in the present case solely on the basis of custodial statement of the co-accused persons and no incriminating material has been recovered from his possession, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

7. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of applicant-**Babar** before the learned Trial Court in the aforesaid case, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

Order Date :- 17.10.2023

Pradeep/-