

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12386 of 2023

Applicant :- Nafees

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. U.P. 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 Rajiv Raman Srivastava, learned counsel for the applicant, the 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.327 of 2023, under Sections 3/5/8 U.P. Prevention of Cow Slaughter Act, registered at Police Station Mahamoodabad, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 17.08.2023 against the applicant and one Shoaib alleging that on the basis of information received from a mukhbir, co-accused Shoaib was apprehended while he was riding a motorcycle and the person sitting on pillion seat escaped. FIR alleges that the flesh kept packed in 50 packets, each containing one kg, were recovered from the applicant. The applicant has been implicated on the basis of statements of the arrested person.
4. 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.
5. The learned A.G.A. has opposed the prayer for bail 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 the FIR does not make a

mention of the method of ascertaining weight of flesh recovered; that the applicant was not arrested on the spot and no incriminating material as recovered from his possession; that the applicant has no previous criminal history and he is languishing in jail since 26.08.2023 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.

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

Let the **applicant**-Nafees be released on bail in aforementioned 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.

(Subhash Vidyarthi, J.)

Order Date :- 18.10.2023
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