

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2289 of 2023

Applicant :- Mohd. Rayees Khan

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

Counsel for Applicant :- Kailash Nath Mishra, Rahul Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Kailash Nath Mishra, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.128 of 2023, under Sections 3/5A/8 of U.P. Prevention of Cow Slaughter Act & Section 11 (dh) of Prevention of Cruelty to Animals Act, registered at Police Station Nawabganj, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 17.03.2023 stating that some cow progenies were loaded in a truck which had met with an accident.

4. The applicant has been implicated in the present case on the basis of statement of co-accused Sarfuddin, who is the owner of the truck, who stated that two other persons involved with him in the commission of the offence implicated the applicant also. He stated that all the three persons were taking cow progenies for being slaughtered.

5. In the affidavit filed in support of the anticipatory bail-

application it has been contended that the applicant is innocent and he has falsely been implicated in the present case. The applicant's involvement in two other cases has been disclosed in the affidavit, one of which is for commission of offence under Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act and other case is under U.P. Gangsters and Antisocial Activities (Prevention) Act.

6. Learned counsel for the applicant has submitted that the co-accused Sarfuddin, on whose statement the applicant has been implicated in the present case and the other co-accused person Khajnu have already been granted regular bail.

7. The learned A.G.A. while opposing the bail application has submitted that applicant has approached this court for anticipatory bail. He has submitted that the applicant has a criminal history of another case relating to U.P. Prevention of Cow Slaughter Act.

8. Having considered the aforesaid facts and circumstances of the case, I am of the view that the aforesaid facts do not warrant exercise of discretion of this court for granting pre-arrest to the applicant.

9. The anticipatory bail application is accordingly **rejected**. However, in case the applicant moves a regular bail the same shall be considered and decided without being influenced by any observations made by this court in this order.

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(Subhash Vidyarthi, J.)

Order Date :- 18.10.2023
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