

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12412 of 2023

Applicant :- Gunnur

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

Counsel for Applicant :- Bhup Chandra Singh, Vinay Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Bhup Chandra Singh, the learned counsel for the applicant, Sri Shaunak Singh, 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.305 of 2023, under Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act,, registered at Police Station Kandhai, District Pratapgarh.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.08.2023 against the applicant and one Tarik Ali alleging that on the basis of information received from a mukhbir the accused persons were apprehended and 30 kilograms of flesh of cow progenies kept on a bicycle was recovered from their possession.
4. In the affidavit filed in support of bail application it has been stated that the applicant is a 25 years old innocent person, he has been falsely implicated in the present case and he has no criminal history. It has also been submitted that the co-accused Tarik Ali has already been granted bail by this court by means of an order dated 12.10.2023, passed in Criminal Misc. Bail Application No.12183 of 2023.
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 F.I.R. does not mention the method of ascertaining weight of the flesh recovered; that the alleged recovery has not been witnessed by any independent person; that the applicant is a young man having no previous criminal history and he is languishing in jail since 20.08.2023 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.

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

8. Let the **applicant-Gunnur** be released on bail in Case Crime No.305 of 2023, under Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act, registered at Police Station Kandhai, District Pratapgarh 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.

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(Subhash Vidyarthi, J.)

Order Date :- 18.10.2023

Ram.