

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2328 of 2023

Applicant :- Navi Sarvar

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

Counsel for Applicant :- Ravindra Prakash Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ravindra Prakash Ojha, the learned counsel for the applicant as well as Sri Anurag Verma, the learned Additional Government Advocate-I 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.0292 of 2022 under Sections 419, 420, 120B IPC, 3/5/8 U.P. Prevention of Cow Slaughter Act, 1955, 11(d) Prevention of Cruelty to Animal Act, 1960, Police Station Asoha, Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 27.12.2022 against six persons, including the applicant, stating that on the basis of information received from a mukhbir, a truck was intercepted and its driver, cleaner and labour sitting in it, were arrested. 12 cow progenies were recovered from the truck. Persons arrested stated that the applicant was a contractor, who was involved in transporting cow progenies for being slaughtered in West Bengal.

4. 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. Applicant's involvement in 7 other cases has been disclosed in para 21 of the affidavit, which includes two cases of U.P. Prevention of Cow Slaughter Act, 1955.

5. The learned A.G.A. has opposed the prayer for bail and has submitted that the applicant is not cooperating with the investigation, and he has not appeared before the investigating officer even after issuance of non bailable warrant, therefore, at this stage, grant of anticipatory bail to the applicant will adversely affect the investigation.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is said to be contractor of the vehicle in which 12 cow progenies were loaded for being slaughtered in West Bengal; that the applicant has a criminal history of 7 cases, including three cases under U.P. Prevention of Cow Slaughter Act, 1955, I am of the view that the aforesaid facts do not warrant exercise of discretion of this Court by enlarging the applicant on anticipatory bail.

7. In view of the above, the anticipatory bail application of the applicant is **rejected**. However, in case the applicant files any bail application, the same shall be considered and decided, without being influenced by rejection of this anticipatory bail application.

Order Date :- 19.10.2023
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