

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12597 of 2023

Applicant :- Rajesh Kumar

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

Counsel for Applicant :- Deepak Kumar, Ankit Kumar Rao

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ankit Kumar Rao, the learned counsel for the applicant, Sri Amit Kumar Dwivedi, the learned AGA 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. 218 of 2023, under Sections 3/5A/8 of U.P. Prevention of Cow Slaughter Act, 1955 and Section 11(1) (d) of the Prevention of Cruelty to Animals Act, 1960 & Section 420 IPC, Police Sandi, District Hardoi.
3. The aforesaid case has been registered on the basis of an FIR lodged on 26.04.2023 against four persons, including the applicant, stating that on the basis of information received from a mukhbir a container vehicle was intercepted and co-accused Mukarram @ Imran who was driving the container, was arrested. 22 cow progenies loaded in the container were recovered. He confessed that the cow progenies were being transported for being slaughtered and the other accused persons were named by him has been involved in the commission of offence.
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 counsel for the applicant has submitted that one of the co-accused persons, namely, Akram and Mukarram @ Imran, have been granted bail by means of orders dated 25.05.2023 and 21.08.2023 passed by this Court in Criminal Misc. Bail Applications No. 6877 of 2023 and 7743 of 2023, respectively.

6. The learned A.G.A. has opposed the bail application and he has submitted that the investigation of the present case is still going on

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated in the present case solely on the basis of custodial statement of co-accused person and that co-accused persons has already been granted bail, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 01.09.2023 and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

9. Let the applicant- **Rajesh Kumar** be released on bail in the aforesaid 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 :- 27.10.2023

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