

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12692 of 2023

Applicant :- Jabir

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

Counsel for Applicant :- Srees Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Srees Kumar Srivastava, the learned counsel for the applicant, Smt. Poonam Gupta, 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. 164 of 2023, under Sections 379 I.P.C. and Section 3/5/8 of Prevention of Cow Slaughter Act, registered at Police Station Auras, District Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.08.2023 alleging that two bulls of the informant were slaughtered by some unknown thieves. The police claimed to have arrested one person when a vehicle was intercepted on the basis of information received from a mukhbir and three persons sitting in a vehicle escaped. The applicant has been implicated in the present case on the basis of custodial statement 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 counsel for the applicant has submitted that co-accused Irfan, has already been granted bail by means of an order dated 19.10.2023 passed by this Court in Criminal Misc. Bail Application No.12427 of 2023.

6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

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 persons and no incriminating material has been recovered from his possession and that a co-accused has already been granted bail, coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 21.08.2023 and without making any observation, which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

8. Let the applicant- **Jabir** 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 :- 30.10.2023
Preeti.