

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12797 of 2023

Applicant :- Chhote

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

Counsel for Applicant :- Ramakar Shukla, Subodh Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Subodh Kumar Pandey, learned counsel for the applicant, Ms. Ankita Tripathi, 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.329 of 2023, under Sections 3/5/8 of Prevention of Cow Slaughter Act, registered at Police Station Palia, District Lakhimpur Kheri.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.09.2023 by a Sub Inspector of Police against six persons including the applicant, stating that on the basis of an information received from a mukhbir the accused persons were apprehended while they were carrying about 1.5 quintals of flesh of cow progenies on two bicycles. It is stated that the applicant was holding the cycle and cycle was running by co-accused persons Shahbez and Rashid.
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 criminal history of one case which has been explained in para 14 of the affidavit filed in support of the bail application. It has further been submitted that the co-accused Irshad has already been enlarged on bail by this court by means of an order dated 30.10.2023, passed in Criminal Misc. Bail Application No.12719 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 applicant is said to be walking ahead of the other co-accused persons who were carrying the flesh of cow progenies; that the alleged recovery

from the co-accused persons has not been witnessed by any independent person; that no other articles namely articles used in commission of slaughtering or the other remains of cow progenies have not been recovered; that one co-accused has already been enlarged on bail by this court and the applicant is languishing in jail since 09.09.2023 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-Chhote** 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.

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(Subhash Vidyarthi, J.)

Order Date :- 31.10.2023

Ram.