

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12862 of 2023

Applicant :- Nafees

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

Counsel for Applicant :- Anurag Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Anurag Singh, the learned counsel for the applicant as well as Sri Arpit Kumar, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 316 of 2023, under Section 3/5/8 of Uttar Pradesh Prevention of Cow Slaughter Act, 1955, registered at Police Station Imliya Sultanpur, District Sitapur.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 09.09.2023 against two persons including the applicant, stating that on the basis of information received from a mukhbir, a motorcycle and a car have intercepted. The co-accused Javed was riding a motorcycle and Rs. 4500/-, two knives and a banka were recovered from his possession. The car was being driven by the applicant and Rs. 2500/- were recovered from his possession and four bags of flesh were recovered from the car. The F.I.R states that the accused persons had confessed having slaughter a cow progeny in the night of 31.08.2023.
4. The F.I.R does not mention the quantity of the flesh recovered.
5. In the affidavit filed in support of the 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.
6. A supplementary affidavit has been filed on behalf of the applicant stating that after his arrest, the applicant has been implicated in another case bearing Case Crime No. 495 of 2023, under Section 379 IPC & 3/5/8 of Uttar Pradesh Prevention of Cow Slaughter Act, 1955 and Section 11(1) of the Prevention of Cruelty to Animals Act, 1960.

7. Co-accused Javed has been granted bail by means of an order dated 28.10.2023 passed by this Court in Criminal Misc. Bail Application No. 12645 of 2023.

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

9. 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 weight of flesh recovered from the car; the F.I.R mentions confession of the accused persons regarding having slaughtered a cow progeny on 31.08.2023 whereas the recovery was made on 09.09.2023, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 09.09.2023 whereas the co-accused has been granted bail and without making any observations 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.

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

11. Let the applicant-***Nafees*** 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 the 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.

Order Date :- 3.11.2023

Pradeep/-