

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12929 of 2023

Applicant :- Mukarram @ Imran

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

Counsel for Applicant :- Ajeet Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ajeet Kumar Singh, the learned counsel for the applicant, Sri Arpit Kumar, 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.38 of 2023, under Sections 5A/8 of U.P. Prevention of Cow Slaughter Act and Section 11 D of Prevention of Cruelty to Animal Act, registered at Police Station Malihabad, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.03.2023 against the applicant, who is the owner of the truck, the driver of truck and 2-3 other persons stating that on the basis of information received from a mukhbir a truck was intercepted, the driver and other person sitting in the truck escaped and it was found that 32 cow progenies were loaded in the truck.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in ten other cases has been disclosed in para 17 of the affidavit in all of which the applicant has been granted bail.

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 has been implicated in the present case merely because he is the owner of the vehicle, in which the cow progenies were being allegedly transported; that the applicant was not present on the spot and no incriminating material has been recovered from his possession and he is languishing in jail since 25.08.2023 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- Mukarram @ Imran** 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 :- 2.11.2023
Ram.