

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13016 of 2023

Applicant :- Munna And Another

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

Counsel for Applicant :- Rajiv Raman Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Adarsh Shukla, Advocate holding brief of Shri Rajiv Raman Srivastava, the learned counsel for the applicant and Ms. Ankita Tripathi, learned AGA for the State and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No.316 of 2023, under Sections 3/5A/8 Cow Slaughter Act & 7 Criminal Law Amendment Act, Police Station Maholi, District Sitapur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.05.2023 stating that flesh of a cow progeny found in an unattended car. The applicants have been implicated on the basis of statement of vehicle owner, stated that co-accused Anees had borrowed the vehicle. In his confessional statement, Anees stated that the applicants were also accompanied him.

4. In the affidavit filed in support of the application, it has been submitted by the learned counsel for the applicants that both the the applicants are involved one other case and both of them have been granted bail in those cases.

5. Co-accused Anees, on the basis of custodial statement, the applicants have been implicated in the present case, has been granted bail by means of order dated 3.10.2023 passed in Criminal Misc. Bail Application No. 11768 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 has been implicated solely on the basis of statement of co-accused Anees

and that co-accused person has already been granted bail, I am of the view that the applicant is entitled to be released on bail in the present case.

7. Accordingly, this bail application stands allowed.

8. Let the applicants - Munna and Mohammad Shakir 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 applicants shall not tamper with the prosecution evidence;

(ii) the applicants shall not pressurize the prosecution witnesses;

(iii) the applicants shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 3.11.2023

Virendra