

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13061 of 2023

Applicant :- Waseek

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

Counsel for Applicant :- Gulam Mustafa

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Ms. Gulam Mustafa, the learned counsel for the applicant as well as Sri Anant Pratap Singh, 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. 164 of 2023, under Section 379 I.P.C. and Section 3/5/8 of Uttar Pradesh Prevention of Cow Slaughter Act, 1955, registered at Police Station Auras, District Unnao.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 07.08.2023 alleging that some unidentified miscreants had stolen the informant's bullocks and had slaughtered them.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has falsely been implicated in the present case on the basis of confessional statement of co-accused Nihal. The applicant's involvement in three other cases has been disclosed in Para 2 of the supplementary affidavit filed in support of the bail application, in all of which he has already been granted bail. It has also been submitted that the co-accused Nihal has already been granted bail by this court by means of an order dated 30.10.2023, passed in Criminal Misc. Bail Application No.12677 of 2023.

5. The learned A.G.A. has opposed the prayer of the 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 not named in the F.I.R and the applicant has been implicated in the present case solely on the basis of confessional statement of co-accused Nihal, coupled with the fact that the applicant is a

young man having no criminal history and he is languishing in jail since 19.09.2023, whereas the co-accused Nihal Singh has already been granted bail by this court 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.

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

8. Let the **applicant-Waseek** 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.

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(Subhash Vidyarthi,J.)

Order Date :- 6.11.2023

Ram/Prateek.