

**Court No. - 16**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 13121 of 2023

**Applicant :-** Shoeb

**Opposite Party :-** State Of U.P. Thru. Prin. Secy. Home 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 Sri Rajiv Raman Srivastava, learned counsel for the applicant, Sri Anant Pratap Singh, 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. 327 of 2023, under Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act, registered at Police Station Mahmoodabad, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 17.08.2023 alleging that the applicant was apprehended on the basis of an information received from a mukhbir and 15 packets each containing flesh of cow progenies was recovered from his possession.
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 no criminal history.
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 alleged recovery has not been witnessed by any independent person; that the

F.I.R. does not contain any description of the method of ascertainment of weight of the flesh recovered; that the applicant has no previous criminal history and he is languishing in jail since 18.08.2023 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-Shoeb** 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 :- 7.11.2023**

**Ram.**