

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S
438 CR.P.C. No. - 2570 of 2023

Applicant :- Gulam Subhani @ Subhani And Another

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Deptt. Civil Sectr.
Lko. And Another

Counsel for Applicant :- Mohammad Riyaz

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Mohd. Riyaz, learned counsel for the applicant, and Sri Akhilesh Kumar Vyas, learned Addl. Government Advocate, and perused the record.

2. By means of the instant application the applicant seeks bail in Case Crime No. 0111 of 2019, under sections 834 of 2020, I.P.C., and section 3/5/8, Prevention of Cow Slaughter Act, 1955, P.S. Baskhari, District Ambedkar Nagar.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.06.2019 against eight persons, including the applicants, alleging that on the basis of information received from an informer Police Party raided the house of co-accused Azmeri. The persons present there escaped and ran away. Six quintal flesh of cow-progeny and some articles used in slaughter of cow-progeny were recovered from the house. Names of the accused persons have come in the F.I.R. as per information received from an informer.

4. In the affidavit filed in support of the bail-application it has been stated that the applicants are innocent and they have been falsely implicated in the present case. The applicant no.1 Subhani is stated to be involved in another case No. 590 of 2018 arising out of Case Crime No. 57 of 2018 under Section 307, I.P.C. and Section 3/5/8, Cow Slaughter Act and Section 11, Prevention of Cruelty to Animals Act, 1960, in which he has been granted interim bail by means of order dated 22.08.2019 passed by the Sessions Judge, Ambedkar Nagar.

5. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicants have been implicated in the present case solely on the basis of the information received from an informer; that the alleged recovery has not been witnessed by any independent person, and that the offences alleged against the applicants carry a maximum punishment of imprisonment upto 7 years, 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.

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

Let the applicants **Gulam Subhani alias Subhani** and **Sonu** be released on bail in the aforesaid Case Crime No. 0111 of 2019, under sections 834 of 2020, I.P.C., and section 3/5/8, Prevention of Cow Slaughter Act, 1955, P.S. Baskhari, District Ambedkar Nagar, on each of them 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.

In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Subhash Vidyarthi, J.)

Order Date :- 18.11.2023
A.Nigam