

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13316
of 2023

Applicant :- Md. Habib @ Habib

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

Counsel for Applicant :- Anil Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Anil Kumar Tiwari, the learned counsel for the applicant as well as Sri Amitabh Chaturvedi, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 7 of 2017, under Sections 3/ 5/ 8 of U.P. Prevention of Cow Slaughter Act, 1955, Police Station Patranga, District Ayodhya/Faizabad.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.01.2017 against 15 persons, including the applicant, alleging that on the basis of the information received from a mukhbir, a police party reached Village Wajidpur and upon seeing the police, the accused persons ran away. About two quintal flesh of cow progeny was recovered from the house of co-accused person Harun, Sakeel and Sageer.

4. The co-accused persons have been implicated on the basis of information given by some persons present on the spot, who declined to witness the recovery or mention their name.

5. A supplementary affidavit has been filed disclosing the applicant's involvement in five other cases.

6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant was not arrested on the spot; the persons who disclosed his name have not disclosed their identity and have not witnessed the alleged recovery; that the applicant is languishing in jail since 30.07.2023 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 in the aforesaid case.

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

9. Let the applicant-***Md. Habib @ Habib*** 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.

Order Date :- 8.11.2023

Pradeep/-