

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13548 of 2023

Applicant :- Mohammad Aleem @ Pappu

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

Counsel for Applicant :- Rahul Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rahul Mishra, learned counsel for the applicant, Smt Parul Kant, 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.56 of 2018, under Sections 3/5/8 U.P. Prevention of Cow Slaughter Act and 11 Prevention of Animals to Cruelty Act, registered at Police Station Khadhai, District Pratapghar.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.03.2018 against two persons. Three cows and two cow progenies were recovered from the vehicle parked nearby. In the custodial statements of the arrested persons, they stated that animals were being taken for being slaughtered and they stated that the applicant was also involved with them and he has escaped along with another accused Raj Ali.
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. Applicant's involvement in 12 other cases has been disclosed, in all of which the applicant has been granted bail.
5. Learned counsel for the applicant has submitted that co-accused Pradeep Kumar Dubey, who was arrested on the spot, has been granted bail by the Sessions Court, Pratapgarh.
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 no incriminating material has been recovered from the applicant, the applicant has been implicated in the present case on the basis of custodial statement of accused persons and one of those accused persons has been granted bail 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.

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

9. Let the **applicant-Mohammad Aleem @ Pappu** be released on bail in aforementioned 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 :- 9.11.2023
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