

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13680 of 2023

Applicant :- Salam @ Abdul Salam

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

Counsel for Applicant :- Rajiv Raman Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Adarsh Shukla holding brief of Sri Rajiv Raman Srivastava, the learned counsel for the applicant, Sri Manish Kumar Pandey, learned A.G.A.-I for the State and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 270 of 2023, under Sections 3/5/8 Prevention of Cows Slaughter Act, Police Station Talgaon, District Sitapur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged by a Sub Inspector of Police on 26.08.2023 against four persons, including the applicant, alleging that on the basis of information received from a mukhbir, four persons were intercepted, two of whom escaped and two persons were arrested. Some undisclosed quantity of flesh of a cow progeny was recovered from a sac being carried out by the two arrested persons. It is alleged that they confessed that they had slaughtered a cow and were taking the flesh for selling it. They stated that the applicant was also involved in commission of crime.

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.

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 has been implicated in the present case on the basis of custodial statement of the co-accused persons, from whom some flesh is said to have been recovered but the recovery has not been

witnessed by any independent person; that the FIR does not disclose quantity of the flesh recovered, coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 09.10.2023 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 case.

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

9. Let the applicant-***Salam @ Abdul Salam*** 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 :- 20.11.2023

Pradeep/-