

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13690 of 2023

Applicant :- Shaukat Kuraishi

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

Counsel for Applicant :- Farooq Ayoob

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1.Heard Sri Farooq Ayoob, the learned counsel for the applicant, Sri Sanjay Maurya, the 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.176 of 2023, under Sections 420, 467, 468, 471 I.P.C. and Section 3/5A/8(1) Uttar Pradesh Prevention of Cow Slaughter Act, 1955 and Section 11 Prevention of. Cruelty to Animals Act, 1960, registered at Police Station Haidergarh, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 30.05.2023 by a Sub Inspector of Police against seven named persons including the accused-applicant stating that on the basis of information received from a mukhbir, the police party apprehended four persons and three persons, including the applicant, escaped. Eight cow progenies loaded in two pickup vehicle in a cruel manner were recovered from the spot. There is no independent witness of the alleged recovery.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in another case has been disclosed in para 21 of the affidavit.

5. It has also been submitted on behalf of the applicant that the co-accused persons, namely, Taufeeq Raini, Gokaran Rawat, Manish Rajbhar and Ajeet Rajbhar have already been enlarged on bail by means of orders dated 14.07.2023, 04.07.2023 and 26.07.2023, passed by this Court in Criminal Misc. Bail Application Nos. 8900 of 2023, 8048 of 2023 and 9382 of 2023 respectively.

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 on the basis of custodial statement of the co-accused persons only and those co-accused persons have already been granted bail, coupled with the fact that the applicant is languishing in jail since 12.08.2023 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.

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

9. Let the applicant-***Shaukat Kuraishi*** be released on bail in Case Crime No.176 of 2023, under Sections 420, 467, 468, 471 I.P.C. and Section 3/5A/8(1) Uttar Pradesh Prevention of Cow Slaughter Act, 1955 and Section 11 Prevention of Cruelty to Animals Act, 1960, registered at Police Station Haidergarh, District Barabanki 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/-