

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13789 of 2023

Applicant :- Saddam @ Gulbad And Another

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home Deptt. Lucknow

Counsel for Applicant :- Ram Lakhan Vishwakarma, Gaurav Kumar Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Subodh Kumar Pandey, learned counsel for the applicants, Ms. Ankita Tripathi, learned A.G.A. 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.329 of 2023, under Sections 3/5/8 of Prevention of Cow Slaughter Act, registered at Police Station Palia, District Lakhimpur Kheri.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.09.2023 by a Sub Inspector of Police against six persons including the applicants, stating that on the basis of an information received from a mukhbir the accused persons were apprehended while they were carrying about 1.5 quintals of flesh of cow progenies on two bicycles.
4. In the affidavit filed in support of bail application, it has been stated that the applicants are innocent, and they have been falsely implicated in the present case. Supplementary affidavit has been filed by the applicant disclosing applicant's criminal history of two other cases, in one of case the applicant has been granted bail and in the other case registered under Section 13 of the Public Gambling Act, the applicant has not been challaned.
5. It has further been submitted that the co-accused Irshad , Chhote and Irshad & Chikna have already been enlarged on bail by this court by means of the orders dated 30.10.2023, 31.10.2023 and 30.10.2023, passed in Criminal Misc. Bail Application Nos.12719 of 2023, 12797 of 2023 and 12719 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 alleged recovery has not been witnessed by any independent person; that three co-accused persons have already been enlarged on bail by this court and the applicants are languishing in jail since 09.09.2023 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 applicants on bail in the aforesaid crime.

8. Accordingly, this bail application stands allowed.

9. Let the applicants-Saddam @ Gulbad and Mohd Shahbaz 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 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.

(Subhash Vidyarthi, J.)

Order Date :- 24.11.2023
prateek