

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13852 of 2023

Applicant :- Shakil

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

Counsel for Applicant :- Mohd. Salman

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Mohd. Salman, learned counsel for the applicant, Sri J.S. Tomar, learned A.G.A.-I 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.0818 of 2022, under Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act, registered at Police Station Kotwali City, District Pratapgarh.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 29.08.2022 against six persons, including the applicant and two unnamed persons alleging that on the basis of information received from a mukhbir an auto-rickshaw was intercepted. Three persons were arrested and three others escaped. Thirty eight kilograms flesh of a cow progeny was recovered from the vehicle and on the basis of instructions received from the persons arrested some other remains of cow progenies were recovered from a spot.
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.
5. The learned counsel for the applicant has submitted that the applicant has been implicated on the basis of custodial

statement of the co-accused persons and there is no other material to connect him with the present offence. The co-accused persons Galib @ Abu Mutallib, Mohd. Murad, Mohd. Anwar and Ramzan have already been enlarged on bail in the present case.

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 no previous criminal history and he is languishing in jail since 16.09.2023 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 applicant also on bail in the aforesaid crime on the ground of parity.

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

9. Let the **applicant-Shakil** 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.

(Subhash Vidyarthi, J.)

Order Date :- 23.11.2023
Ram.