

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13923 of 2023

Applicant :- Tafseer @ Natey

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

Counsel for Applicant :- Akhil Kumar Singh, Gyanendra Pratap Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Akhil Kumar Singh, the learned counsel for the applicant, Smt. Poonam Gupta, 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.253 of 2021, under Sections 3/5/8 of Prevention of Cow Slaughter Act, registered at Police Station Musafirkhana, District Amethi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 13.09.2021 against four persons, including the applicant alleging that on the basis of an information received from a mukhbir the police party raided the house of co-accused Shafeeq Ali @ Bahadur, where the accused persons were engaged in weighing and packing of flesh of cow progeny. Seventy kilograms flesh of cow progenies, some other remains thereof and some article used in slaughtering of cow were recovered from the house. The co-accused Shafeeq Ali was arrested on the spot and in his custodial statement he has implicated other accused persons, including the applicant.

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. The co-accused Shafeeq Ali has already been granted bail by

means of an order dated 28.10.2021, passed by this court in Criminal Misc. Bail Application No.12212 of 2021.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. 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 solely on the basis of custodial statement of co-accused persons and that co-accused person has already been granted bail by this court; that no incriminating material has been recovered from the applicant; that the applicant has no previous criminal history and he is languishing in jail since 26.10.2023 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 crime.

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

8. Let the **applicant-Tafseer @ Natey** 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 :- 24.11.2023
Ram.