

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14041 of 2023

Applicant :- Mohd. Rais

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

Counsel for Applicant :- Ramakar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ramakar Shukla, learned counsel for the applicant, Sri Anurag Verma, 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. 255 of 2023, under Sections 3/5/8 U.P. Prevention of Cow Slaughter Act, registered at Police Station Raniganj, District Pratapgarh.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 05.08.2023 against 7 persons, including the applicant, stating that the police party raided a house on the basis of information received from a mukhbir. Co-accused Mohd Waseem was arrested and six other persons managed escaped from the house. 180kg of flesh and other articles used for slaughtering the cow and some remains of cow progeny was recovered from the house.
4. The arrested person, in his statement, implicated other accused persons, including the applicant, and he stated that the house belongs to the co-accused Mohd. Imtiyaz @ Mitthu.
5. 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 five other cases has been disclosed in the affidavit, in all of which he has been granted bail. The applicant's involvement in another case is wrongly shown whereas he is not involved in that other case.
6. The learned counsel for the applicant has submitted that three other co-accused persons, who were also implicated in the present case on the basis of statement of the arrested person, have been granted bail by the Sessions Court,

copies of their bail orders have been annexed as Annexure No. 2 of the affidavit filed in support of the bail application. Another co-accused Mohd. Imtiaz @ Mithu has also been granted bail by means of an order dated 23.11.2023 passed by this court in Criminal Misc. Bail Application No. 13807 of 2023.

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

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that four of the co-accused persons have already been granted bail, I am of the view that the applicant is also entitled to be released on bail.

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

10. Let the applicant- **Mohd. Rais** be released on bail in aforementioned 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 :- 29.11.2023

Preeti.