

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14180 of 2023

Applicant :- Sanu Gaji @ Mohd. Sanu

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

Counsel for Applicant :- Dinesh Kr. Sharma, Arshad Hafeez Khan

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Dinesh Kr. Sharma, the learned counsel for the applicant as well as Sri Pramod Kumar Shukla, the learned A.G.A. for the State and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 584 of 2023, under Section 3/8 of Uttar Pradesh Prevention of Cow Slaughter Act, 1955, registered at Police Station Thakurganj, District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 25.08.2023 against two named persons, including the applicant and two unknown persons, alleging that the informant had received a telephonic information from some other person that some persons were taking animals for committing cow slaughter, one of whom namely co-accused Furkan, it is apprehended by them and they were taken to police station.

4. The applicant has been implicated in the present case on the basis of custodial statement of co-accused Furkan and it is claimed that a syringe and Xylocaine injection was recovered from an open place amongst some bushes on the pointing out of the applicant.

5. In the affidavit filed in support of the 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 bearing Case Crime No. 300/2022, under Section 5/8 of Uttar Pradesh Prevention of Cow Slaughter Act, 1955, registered at Police Station Thakurganj, District Lucknow, has been disclosed in

para 19 of the affidavit, in which he has been granted bail.

6. The learned A.G.A. has opposed the prayer of the 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 no cow progeny has been slaughtered in the present case; that the applicant has been implicated on the basis of custodial statement of a co-accused person; the alleged recovery on the pointing out of the applicant has been made from an open place which has not been witnessed by any independent person and without making any observations 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.

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

9. Let the **applicant- Sanu Gaji @ Mohd. Sanu** 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 the 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 :- 2.12.2023

Preeti.