

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14338 of 2023

Applicant :- Kamlesh Pasi

Opposite Party :- State Of U.P. Thru. Prin. Secy. (Home) Civil Sectt. Lko

Counsel for Applicant :- Bahar Ali

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Bahar Ali, learned counsel for the applicant, Sri Manish Kumar Pandey, 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. 270 of 2023, under Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act, registered at Police Station Talgaon, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged by a Sub Inspector of Police on 28.08.2023 against four persons, including the applicant stating that the informant received information from a mukhbir at 02.15 hrs. on the basis whereof the accused persons were intercepted. The applicant and co-accused Ravi were arrested and other two persons escaped. In a sac lying nearby 40 kg. flesh of cow progeny was kept.
4. 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 two other cases has been disclosed in para 16 of the affidavit, in which he has been granted bail.
5. The learned counsel for the applicant has submitted that co-accused Ravi and Salam @ Abdul Salam, have already been granted bail by means of orders dated 30.10.2023 and 20.11.2023 passed by this Court in Criminal Misc. Bail Applications No. 12727 of 2023 and 13680 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 there are no independent persons of the alleged recovery; that the besides the flesh of cow progeny no other remains of cow progenies have been recovered; that two of the co-accused persons have already been granted bail, coupled with the fact that the applicant is languishing in jail since 26.08.2023 and without making any observation, which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail on the ground of parity

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

9. Let the applicant- **Kamlesh Pasi** 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 :- 6.12.2023

Preeti.