

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2761 of 2023

Applicant :- Ali Sher

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

Counsel for Applicant :- Arti Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Ms Arti Shukla, the learned counsel for the applicant as well as Sri Anant Pratap Singh, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.063 of 2021, under Section 3/5A/8 of U.P. Prevention of Cow Slaughter Act and 11 (gha) of the Prevention of cruelty to Animals Act, 1960, registered at Police Station Musafirkhana, District Amethi.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.03.2021 against four persons, including the applicant, alleging that on the basis of information received from a mukhbir, the police had arrested two persons and recovered 10 cow crognies from pickup vehicle and in their custodial statement, the accused persons stated that their two accomplices had escaped, one of them was the applicant.

4. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case.

5. Both the persons who were arrested on the spot have been granted bail by the Sessions court.

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 been implicated in the present case solely on the basis of custodial

statement of co-accused persons and no incriminating material has been recovered from the applicant and that the applicant has no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

8. In view of the above, the anticipatory bail application of the applicant is allowed. In the event of arrest/ appearance of applicant-**Ali Sher** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

Order Date :- 2.12.2023

Renu/-