

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14207 of 2023

Applicant :- Amir

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

Counsel for Applicant :- Rajiv Raman Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rajiv Raman Srivastava, the learned counsel for the applicant and Sri Arpit Kumar, learned AGA for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No.316 of 2023, under Sections 3/5A/8 Cow Slaughter Act & 7 Criminal Law Amendment Act, Police Station Maholi, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.05.2023 stating that flesh of a cow progeny found in an unattended car. One Anees had been implicated on the basis of statement of vehicle owner, stated that Anees had borrowed the vehicle. The applicant has been implicated on the basis of statement of Anees.
4. In the affidavit filed in support of the application, it has been submitted by the learned counsel for the applicant the applicant's involvement in 4 other cases has been disclosed in para-14 of the affidavit, in 3 of which, the applicant has been granted bail.
5. The learned counsel for the applicant has submitted that co-accused Anees, has already been granted bail by means of an order dated 03.10.2023 passed by of this Court in Criminal Misc. Bail Application No.11768 of 2023.
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 solely on the

basis of statement of a co-accused person, who has already been granted bail and no incriminating material has been recovered from him, and he is languishing in jail 07.10.2023 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 in the present case.

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

9. Let the applicant- **Amir** 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 :- 2.12.2023
Preeti.