

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14230 of 2023

Applicant :- Mohd. Waseem

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

Counsel for Applicant :- Firoz Ahmad Khan

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Firoz Ahmad Khan learned counsel for the applicant, Sri Arpit Kumar, learned A.G.A. 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 of 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 seven persons including the applicant alleging that on the basis of information received from a mukhbir, the police party raided the house of co-accused Mohd Imtiyaz where the accused persons were engaged in cow slaughtering. The applicant was arrested on the spot whereas the other co-accused persons escaped. 180 kilograms of flesh of cow and some remains of cow progenies are said to have been recovered on the spot.

4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case. The applicant's criminal history has been explained in para 16 of the affidavit and para 5 of the supplementary affidavit as per which he was involved in five other cases, in three of which he has been granted bail and in two other cases he has been acquitted.

5. Two co-accused persons, namely, Mohd Rais and Mohd Imtiyaz @ Mitthu have already been granted bail by means of the order dated 29.11.2023 and 23.11.2023 passed by this Court in Crl Misc Bail Application Nos.14041 of 2023 and 13807 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 is no independent witness of the alleged recovery and that the owner of the house, from where the recovery has allegedly been made, has already been granted bail and without making any observation, 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 in the aforesaid crime.

8. Accordingly, this bail application stands allowed.

9. Let the applicant-**Mohd. Waseem** 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.

Order Date :- 4.12.2023

Renu/-