

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14342 of 2023

Applicant :- Zubair

Opposite Party :- State Of U.P. Secy. Home Deptt. Gvt. Civil Sectt. 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 Anurag Verma, the learned A.G.A.-I 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. 191 of 2023, under Section 3/5/8 of Uttar Pradesh Prevention of Cow Slaughter Act, 1955, registered at Police Station Jahangirabad, District Barabanki.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 05.08.2023 stating that some unknown persons had slaughtered two cow progenies in the grove of the informant.
4. The applicant has been arrested on the basis of information received from a mukhbir and he has been implicated in the present case solely on the basis of custodial confessional statement and no incriminating material has been recovered from the possession of the applicant or on his pointing out.
5. The applicant's involvement in 10 other cases has been disclosed in para 16 of the affidavit filed in support of the bail application, in all of which he has been granted bail.
6. The learned A.G.A. has vehemently opposed the bail application and he has submitted that the applicant's long criminal history of 10 cases indicates that he is a habitual offender and he has again committed an offence while being on bail in the other cases, which indicates that he has misused the liberty of bail granted in other cases.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that besides the custodial confessional statement of the applicant, there is no other material to connect him with the commission of the offence in question, 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- Zubair** 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 :- 6.12.2023
Preeti.