

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2827 of 2023

Applicant :- Rafi Ahmad @ Rafiq

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

Counsel for Applicant :- Krishan Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Krishan Kumar, 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 Case Crime No. 316 of 2023, under Sections 3/ 5/ 8 of Cow Slaughter Act, Police Station Imliya Sultanpur, District Sitapur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.09.2023 against two persons, not including the applicant, alleging that four bags of flesh were recovered from a car being driven by one of the co-accused persons and both the applicants have been implicated on the basis of an additional custodial statement of co-accused persons, who stated that they used to bring flesh of cow progeny from the applicant for selling the same.

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

5. The learned counsel for the applicant has submitted that co-accused Javed and Nafees, on the basis of whose statement the applicant has been implicated in the present case, have already been granted bail in the present case.

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 co-accused

persons were arrested on 09.09.2023 and some flesh was recovered from them; that the co-accused persons confessed having slaughtered a cow progeny on 31.08.2023 whereas the flesh was recovered on 09.09.2023 i.e. after more than ten days since the alleged slaughtering; that the applicant has been implicated on the basis of alleged additional statement of accused persons, in which they have stated that they used to purchase flesh from the applicant which runs contrary to their original statement where they had stated that they had slaughtered a cow 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-**Rafi Ahmad @ Rafiq** 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 :- 11.12.2023

Pradeep/-