

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14621 of 2023

Applicant :- Saddam

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

Counsel for Applicant :- Rahul Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Shri Rahul Mishra, learned counsel for applicant and learned AGA. for the State.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 283 of 2022, under Sections 420, 411 IPC and 3/5/8 U.P. Prevention Cow Slaughter Act, Police Station Asoha, District Unnao.
3. The aforesaid case has been registered on the basis of an FIR lodged on 21.12.2022 against the applicant and three unknown persons, stating that the police had intercepted the accused persons but they escaped on two motorcycles. A car left behind was checked, from which a mobile phone driving a sim card in the name of the applicant and three quintols flesh of cow progeny was recovered.
4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent and has been falsely implicated in the present case.
5. Co-accused person Sonu has been granted bail in the present case by means of an order dated 16.08.2023 passed by this Court in Criminal Misc. Bail Application No.9249 of 2023.
6. The applicant's involvement in four other cases has been disclosed in para 15 of the affidavit filed in support of the application and in para 3 of the supplementary affidavit, in three of which, the applicant has been granted bail.
7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the alleged recovery has not been witnessed by the independent person and that the story as narrated in the FIR to the effect that after seeing the miscreants coming on a motorcycle, the informant had called the police force by making a phone call and the additional police force reached on the spot before the miscreants could

reach there and, thereafter, the miscreants, who were coming on two motorcycles, escaped on two motorcycles and yet they left behind an *innova* car, appears to be improbable, I am of the view that the applicant is entitled to be released on bail.

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

9. Let the applicant-**Saddam** be released on bail in Case Crime No. 283 of 2022, under Sections 420, 411 IPC and 3/5/8 U.P. Prevention Cow Slaughter Act, Police Station Asoha, District Unnao 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.

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[Subhash Vidyarthi, J.]

Order Date :- 12.12.2023

-Amit K-