

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14606 of 2023

Applicant :- Naseem

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

Counsel for Applicant :- Rajiv Raman Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Adarsh Shukla, Advocate holding brief of Sri Rajiv Raman Srivastava, the learned counsel for the applicant as well as Sri Manish Kumar Pandey, 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. 467 of 2023, under Section 3/5/8 of Uttar Pradesh Prevention of Cow Slaughter Act, 1955, registered at Police Station Mahmoodabad, District Sitapur.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 12.11.2023 against three persons, including the applicant, stating that the other two co-accused persons were apprehended by the police on the basis of information received from a mukhbir and some flesh kept in a sack was recovered from their possession. In their custodial statement, they stated that the applicant was also involved with them in committing slaughter of cow progenies and selling the flesh.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in five other cases has been disclosed in para 12 of the affidavit, in all of which the applicant has been granted bail.

5. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated in the present

case solely on the basis of custodial statement of co-accused persons; that the F.I.R does not mentions a weight of flesh allegedly recovered from co-accused persons; that no incriminating material has been recovered from the applicant and without making any observations 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.

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

8. Let the **applicant- Naseem** 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 :- 14.12.2023
Preeti.