

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14623 of 2023

Applicant :- Abid Khan

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

Counsel for Applicant :- Ravindra Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ravindra Shukla, 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. 0024 of 2023, under Section 3/5A/8 of U.P. Prevention of Cow Slaughter Act, Section 11 of the Prevention of Cruelty to Animal Act, 1960, registered at Police Station Gosaiganj, District Sultanpur.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 15.01.2023 by Sub-Inspector of Police, stating that on the basis of information received from a mukhbir, two cow progenies tied with a branch of mango tree were recovered and two persons, including the applicant, were arrested. The F.I.R. alleges that the applicant was carrying a Knife.
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 and he has no criminal history.
5. By way of a supplementary affidavit, it has been stated that after implication of the applicant in the present case, he has been implicated in another case under U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986. Co-accused Gaffar @ Tukki has already been granted bail by means of an order dated 17.08.2023 passed by this Court in Criminal Misc. Bail Application No.10258 of 2023.
6. The learned A.G.A. has opposed the prayer of the 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 alleged recovery

has not been witnessed by any independent person; that no cow or cow progenies had been slaughtered and that the applicant is languishing in jail since 14.01.2023, whereas the other co-accused person has already been granted bail, 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.

8. Accordingly, this bail application stands allowed.

9. Let the applicant- **Abid Khan** 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.

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[Subhash Vidyarthi, J.]

Order Date :- 12.12.2023

-Amit K-