

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14885 of 2023

Applicant :- Navi Sarwar @ Navi Sarvan

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home, U.P. Lucknow

Counsel for Applicant :- Syed Ahmad Mehdi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Syed Ahmad Mehdi, learned counsel for the applicant, Sri Jayant Singh Tomar, learned A.G.A.-I for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 292 of 2022, under Sections 419,420,120-B I.P.C., Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act, 1955 and Section 11 of Prevention of Cruelty to Animals Act registered at Police Station Asoha, District Unnao.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 27.12.2022 against six persons, including the applicant, stating that on the basis of an information received from a Mukhbir, the container vehicle was intercepted. Three persons sitting in the vehicle were arrested and 12 cow progenies were recovered from the said vehicle. In the custodial statements of the co-accused persons, they implicated the applicant also as a person involved in the commission of the offence.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case.
5. The applicant's involvement in four other cases has been disclosed in the affidavit, in three of which he has been granted bail and in once case, he is yet to be summoned.
6. The co-accused persons, who had been arrested by the police namely, Mohd. Firdaus and Mohd. Modassir Imam have already been granted bail in the present case, regarding which a copy of the bail order has been annexed as Annexure-2 to the affidavit filed in support of the bail application.

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

8. 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 and these co-accused persons have already been granted bail; that the applicant is languishing in jail since 15.11.2023 and without making any observation, 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 in the aforesaid crime.

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

10. Let the applicant- **Navi Sarwar @ Navi Sarvan** 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 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.

Order Date :- 16.12.2023

Shravan