

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14809 of 2023

Applicant :- Aasif Kankali @ Ajay Singh

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

Counsel for Applicant :- Nijam Ahamad

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Nijam Ahamad, the learned counsel for the applicant, Sri J.S. 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.93 of 2023, under Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act, 1955 and Section 11 of Prevention of Animal Cruelty Act,1960, registered at Police Station Haiderganj, District Ayodhya/Faizabad.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 27.05.2023 alleging that eight cow progenies were loaded in a pickup vehicle which had stuck in a nala. The applicant has been implicated in the present case on the basis of custodial statement of one Sheetar @ Ishrar, who stated that the applicant was involved in commission of 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. The applicant's involvement in 8 other cases has been disclosed in para 18 of the affidavit in all of which he has been granted bail. A supplementary affidavit has been filed on behalf of the applicant stating that the applicant has been implicated in a case under Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986

also. The co-accused Sheeter @ Ishrar, on the basis of whose statement the applicant has been implicated in the present case has already been granted bail by this court by means of an order dated 09.10.2023, passed in Criminal Misc. Bail Application No.10685 of 2023. Two other co-accused persons Pankaj Mishra and Vikas @ Vipin have also been granted bail in the present case by this court.

5. The learned A.G.A. has opposed the prayer for 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 is languishing in jail since 23.10.2023 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.

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

8. Let the **applicant-Aasif Kankali @ Ajay Singh** 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.

(Subhash Vidyarthi, J.)

Order Date :- 15.12.2023
Ram.