

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14856 of 2023

Applicant :- Sageer Quraishi

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

Counsel for Applicant :- Vinod Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vinod Kumar, the learned counsel for the applicant, Sri Jayant Singh Tomar,, the learned AGA-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. 467 of 2023, under Sections 3/ 5/ 8 the Prevention of Cow Slaughter Act, Police Station Mahmudabad, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.11.2023 against three persons, including the applicant, stating that on the basis of information received from a mukhbir the applicant and co-accused Shakeel Quraishi were arrested while they were riding a motorcycle and some flesh packed in a sac was kept on the motorcycle and they confessed that they had slaughtered a cow progeny and were taking the flesh for sale.
4. Although the FIR claims that weight of the recovered flesh was 35 kg but it does not mention as to how this weight was ascertained.
5. 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. The applicant's involvement in 3 other cases has been disclosed in para 11 of the affidavit filed in support of the application, in 2 of which he has received notice under Section 41A Cr.P.C. and in 3rd case he has been released on bail.
6. The co-accused person Naseem has been granted bail in the present case by means of an order dated 14.12.2023 passed by this Court in Criminal Misc. Bail Application No. 14606 of 2023.

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 FIR does not mention the method of ascertaining weight of the flesh recovered; that the alleged recovery has not been witnessed by any independent person and that one of the co-accused persons had already been granted bail 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 case.

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

10. Let the applicant-***Sageer Quraishi*** 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

Pradeep/-