

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15029 of 2023

Applicant :- Shahrukh

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

Counsel for Applicant :- Anurag Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Umesh Kumar Maurya, the learned counsel for the applicant, Smt. Anupriya Jaiswal, the learned A.G.A. 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. 0054 of 2022, under Sections 429 I.P.C. and Section 3/5 (KA)/8 Cow Slaughter Act and Section 11 of Animal Cruelty Act, registered at Police Station Masauli, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.02.2022 alleging that the informant's bull was stolen. While the informant was making a search, a suspicious car was seen, some flesh was kept in the car and at some distance remains of the informant's bull were lying.

4. The applicant has been implicated in the present case on the basis of statement of co-accused Raja @ Niyaz and a pistol and two cartridges are said to have recovered from him. The aforesaid co-accused person has already been enlarged on bail by this court by means of an order dated 28.07.2022, passed in Criminal Misc. Bail Application No.8381 of 2022.

5. 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 four other cases has been disclosed in para 14 of the affidavit, in all of which the applicant has been granted bail.

6. Co-accused Arman @ Sheru has been granted bail by means of an order dated 28.10.2023 passed by this Court in Criminal Misc. Bail Application No. 7389 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 applicant has been implicated in the case on the basis of custodial statement of co-accused person; that no incriminating material has been recovered from his possession or on the pointing out of the applicant; that the co-accused Raja @ Niyaz has already been enlarged on bail by this court and that the applicant is languishing in jail since 30.08.2022 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-***Arman @ Sheru*** 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 :- 21.12.2023

Pradeep/-