

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15151 of 2023

Applicant :- Mohammad Saheem

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

Counsel for Applicant :- Dhananjai Kumar Tripathi, Kajol

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Anuj Kumar Singh, the learned counsel for the applicant as well as Sri Jayant Singh Tomar, 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. 263 of 2023, under Section 379, 411 I.P.C. and Section 3/5/8 of Uttar Pradesh Prevention of Cow Slaughter Act, 1955, registered at Police Station Sirsiya, District Shrawasti.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 29.09.2023 alleging theft and slaughter of the informant's bull committed by unnamed persons.
4. The police claimed to have arrested six persons, including the applicant on the basis of information received from a mukhbir and some remains of the bull are said to have been recovered from there. A pistol, an empty cartridge and a live cartridge are said to have been recovered from the applicant.
5. 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. The applicant's involvement in five other cases has been disclosed in para 24 of the affidavit, in four of which he has been granted bail.
6. The learned counsel for the applicant has submitted that co-accused Sufiyan and Chhottan @ Ekabaal, have already been

granted bail by means of orders dated 15.12.2023 and 20.12.2023 passed by this Court in Criminal Misc. Bail Applications No. 14774 of 2023 and 15098 of 2023.

7. The learned A.G.A. has opposed the prayer of the 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 F.I.R has been lodged against the unknown person; the applicant has been implicated on the basis of information received from a mukhbir and the alleged recovery has not been witnessed by any independent person; that two co-accused persons have already been granted bail; that the applicant is languishing in jail since 03.10.2023 and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

10. Let the applicant- **Mohammad Saheem** 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.

(Subhash Vidyarthi, J.)

Order Date :- 21.12.2023/Preeti.