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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2905/2019**

**SAJID**

..... Petitioner

Through Mr. Omkar Sharma, Adv.

versus

**STATE**

..... Respondent

Through Mr. Amit Chadha, APP for State  
SI Manoj Kumar, PS Shakar Pur

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**ORDER**

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**31.01.2020**

The present application is filed under Section 438 for grant of anticipatory bail in the event of his arrest in case FIR No. 273/2019 registered at Police Station Shakarpur, Delhi for the offences punishable under Section 5/7/8/12/13 of the Delhi Agriculture Cattle Preservation Act.

Case of the prosecution is that CPR received information from the caller, that on the road moving towards Yamuna River from Yamuna Bank Metro Station, dead body of a cow was lying which had been butchered there in the night and pieces of flesh are lying there. On this information ASI Krishan was informed via phone and after receiving information he reached at the spot where residue of some animal was lying and on the spot one Omni Van and Two Motor Cycles i.e. One Pulsar and another one was Super Splendor were found standing. In the Omni, residue of the animal

were loaded and all three vehicles were taken in possession. Animal residues were sent to Gazipur Slaughter House.

On the basis of abovesaid averments, an FIR No. 273/2019 was registered against unknown persons.

Thereafter, the police officials of the abovesaid police station started visiting residence of the petitioner, despite the fact that neither the petitioner is named in the FIR nor there is specific allegation against him.

Ld. Sessions Judge while passing the impugned order failed to consider the fact that the IO has made merely oral submissions regarding the involvement of petitioner but has not placed anything on record in support of the same.

This Court put a specific query to the IO as to whether as per the post-mortem report the cow was alive prior to the said date or the petitioner and his associates killed and, thereafter, fetched flesh from the cow. He replied that this aspect has not been established, however, he found flesh at the spot and sent the same for examination as to whether the flesh was of the cow.

As per the prosecution case, there was one van and two motorcycles mentioned above, however, prosecution fails to prove that any of the motorcycles belong to the petitioner.

Without commenting on the merits of the case, this Court is of the considered view that the present case is fit for anticipatory bail. The SHO/ Arresting Officer/IO concerned, is hereby directed that in the event of arrest, the petitioner/ applicant be released on bail on the following terms and conditions:-

(i) That the petitioner shall furnish a personal bond in the sum of ₹15,000/- with one surety in the like amount subject to the satisfaction of

Arresting Officer/SHO/IO concerned;

(ii) That the petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required;

In case of default of aforementioned conditions, the State is at liberty to take appropriate recourse in accordance with law.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case.

Order dasti under signatures of the Court Master.

Application stands allowed and disposed of.

**SURESH KUMAR KAIT, J**

**JANUARY 31, 2020**

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