

Court No. - 51

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45642 of 2019

Applicant :- Mo.Umar And Another

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Rakesh Pati Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Vipin Sinha,J.

Heard learned counsel for the applicant and learned A. G. A. for the State.

The present anticipatory bail application has been filed by the applicant in Case Crime No. 227 of 2019, under Section 3/5/8 Prohibition of Cow Slaughter Act, P.S. Nawabganj, District Bareilly.

I have perused the FIR as well as the order by means of which the anticipatory bail application has been rejected by the court below.

The Sessions Court while rejecting the bail application has recorded the findings herein as under:-

अभियुक्त मोहम्मद मारुफ की निशानदेही पर मो० उमर के घर के अंदर कोठरी से करीब 35 किलोग्राम गोवंशीय मांस कटा हुआ टुकड़ों में एक तराजू, एक बांका लोहा, एक लोहा, एक छुरी लोहा, लोहा बाट एक किलोग्राम एक, एक पांच सौ ग्राम, एक दो सौ ग्राम, एक पोलिथीन करीब 350 ग्राम, एक किलोग्राम बरामद हुई।

Learned AGA has opposed the prayer for anticipatory bail, moreover no reason for false implication have been given.

It is an established law that the parameters governing pre-arrest bail and regular bail are altogether different.

After hearing learned counsel for the parties and after perusing the impugned FIR and also looking to the seriousness of the allegation as made in the FIR, gravity of offence and the severity of punishment and also looking to the parameters as have been laid down by the Apex Court in the case of **Siddharam Satlingappa Mhetre v. State of Maharashtra and Others; 2011 (1) SCC 694**, no case for grant of any indulgence is made out.

Accordingly, the application for anticipatory bail is rejected.

Order Date :- 31.10.2019

Ujjawal