

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL**

First Bail Application No. 2339 of 2020

Salman

...Applicant

Vs.

State of Uttarakhand

...Respondent

Shri S.K. Mandal, learned counsel for the applicant.

Shri J.S. Virk, learned deputy advocate general for the State of Uttarakhand / respondent.

28th November, 2020

Hon'ble Ravi Malimath, A.C.J.

The case of the prosecution is that an FIR was lodged on 10.10.2020 at about 10:40 AM. The informant lodged a complaint against some unknown persons about the missing of her cow since 12.10.2020. The complainant found her cow in the bank of the river. The horn, skin and legs were seen at the river bank. The bell could not be found. The investigation was taken up. The applicant was arrayed as accused no. 1 and was alleged for having committed an offense punishable under Sections 3, 5, 6 and 11 of the Uttarakhand Protection of Cow Progeny Act, 2007. The bail application filed before the Sessions Court, Nainital was dismissed on 04.11.2020. Hence, this application.

2. Learned counsel for the applicant contends that the applicant is innocent of the offence, and hence, he is entitled to be enlarged on bail; he is in custody since 15.10.2020; and there is no case made out against the applicant. The same is disputed by Shri J.S. Virk,

learned deputy advocate general for the State of Uttarakhand.

3. On hearing learned counsels, I' am of the considered view that the applicant has made out a case to be enlarged on bail for offense under Sections 3, 5, 6 and 11 of the Uttarakhand Protection of Cow Progeny Act, 2007. He has been found in possession of sixty-three pieces of animal. Any way, the same requires a full-fledged trial. *Prima facie*, it would appear that the applicant is entitled to be enlarged on bail in connection with FIR No. 533 of 2020 under Sections 3, 5, 6 and 11 of the Uttarakhand Protection of Cow Progeny Act, 2007, Police Station Ramnagar, District Nainital. Hence, he is released on bail on the following conditions:

1. The applicant will not tamper with the prosecution witnesses.
 2. He will cooperate with the investigation.
 3. He shall appear before the trial court.
 4. He will mark his attendance before the Ramnagar police station on the first day of every month.
4. The bail application stands allowed accordingly.

(Ravi Malimath)
A.C.J.

PSR