

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9550 of 2023

Applicant :- Mohd. Rakeeb

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

Counsel for Applicant :- Mohit Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Mohit Tiwari, the learned counsel for the applicant, Sri Ambrish Kumar, the learned AGA 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. 282 of 2021, under Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act, 1955, Police Station Mandhata, District Pratapgarh.

3. The aforesaid case has been registered on the basis of an FIR lodged on 14.07.2021 against three persons, including the applicant, alleging that the accused persons were slaughtering a cow progeny and they ran away when they were apprehended by the police. The FIR states that all the accused persons were known to the police persons since before, 80 kg. of flesh of cow progeny and some other remains etc. were recovered from the spot.

4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has falsely been implicated in the present case. The applicant's involvement in six other criminal cases has been disclosed in paragraph no. 12 of the affidavit and except for a case under the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, the applicant has been granted bail in all other cases.

5. Learned counsel for the applicant has submitted that both the other co-accused persons Mohd. Shareef and Mohd. Haseeb have already been granted bail by means of an orders dated 09.05.2022 and 16.05.2023 passed by this Court in Criminal Misc. Bail Application Nos. 4543 of 2022 & 3909 of 2023 respectively.

6. The learned A.G.A. has opposed the prayer for bail but he

could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case, I am of the view that the applicant is also entitled to be released on bail on the ground of parity.

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

9. Let the applicant-**Mohd. Rakeeb** be released on bail in Case Crime No. 282 of 2021, under Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act, 1955, Police Station Mandhata, District Pratapgarh 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.

10. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 31.7.2023

Pradeep/-