

Bail Application No.1577 of 2014

Bail Application No.1622 of 2014

Rajesh and Sarvesh VS. State

These are two applications for bail. One is moved by Ravindra and Manoj and other is moved by Rajesh and Sarvesh involved in case crime No. 164 of 2014 under Sections 3/5/8 of Cow Slaughter Act and Section 3/11 of Prevention of cruelty to Animals Act. Police Station Anoopshahr, Distt. Bulandshahr.

I have heard the learned counsel for the accused-applicants, learned D.G.C.(CrI.) for the State and perused the case diary.

According to the prosecution version on 03.06.2014 S.I. Brij Mohan Singh alongwith constables Harkesh and Sushil kumar departed from the police station to maintain law and order and checking the vehicle. They were checking the vehicles on the Bridge of Ahar. After some time a vehicle Tata 407 was seen coming. On being signaled to stop, the driver tried to turn the vehicle. The surrounded the vehicle in which four persons were sitting including the driver and three three oxen were found in the vehicle whose legs and mouths were tied. On enquiry the driver told his name Ravindra and other three were Rahesh, Manoj and Sarvesh. They told that they are taking the oxen for sale in Sambhal to the butchers

It has been argued by the learned counsel for the accused-applicants that they have not committed any offence and they have been falsely implicated in the case. Accused Ravindra is registered owner and driver of Tata 407 No. U.P. 16 F-1596 and accused Manoj is helper. Oxen are not recovered from their possession so there was no question of slaughtering. There is no independent witness of the incident. It has been submitted on behalf of accused-applicants Rajesh and Sarvesh that they brought the oxen for the agriculture purposes after purchasing them. No equipment of slaughtering was

recovered from their possession and there is no criminal history of the accused-applicants. It has also been argued by the learned counsel that transportation from one place to another place in the State of U.P. is not prohibited under the U.P. Cow Slaughter Act.

Learned D.G.C.(Crl.) opposed the bail and submitted that three oxen were recovered from the vehicle.

I have perused the case diary. The accused-applicants were arrested by the police while they were transporting the oxen in Tata 407. No equipment etc., for slaughtering have been recovered nor this is the case of actually slaughtering. In para 3 of the bail application accused-applicants Rajesh and Sarvesh have stated that they had brought the oxen for the agriculture purposes and accused-applicants Ravindra and Manoj have stated that they are owner and cleaner of the truck.

Having taken into consideration the entire facts and circumstances of the case, I find it a fit case for bail.

Let accused -applicants Ravindra, Manoj, Rajesh and Sarvesh be released on bail on each of them executing a P.B. Of Rs.25000/- and furnishing two sureties each in the like sum to the satisfaction of the Magistrate concerned.

(Musharrat Hussain)
I/C. Sessions Judge,
Bulandshahr
18.06.2014