

UPAD010122802022



IN THE COURT OF SESSIONS JUDGE ALLAHABAD

Present- Santosh Rai (H.J.S.)
(JO Code UP 6523)

Bail Application No.- 6389 of 2022

Peer Mohammad @ Sardar Son of Manjoor, resident of Narayan Ganj
Bazar, P.S. Mandhata, District Pratapgarh. ---Applicant/accused

Vs.

State of U.P.

-----*Opposite Party*

Case crime No.- 468 of 2022
Under Section- 3/8 Prevention of Cow Slaughter Act
Police station- Mau Aima District-Prayagraj

14.11.2022

This Bail application has been moved by applicant/accused Peer Mohammad @ Sardar for bail in the above mentioned case.

2. I have heard the learned Counsel for the applicant/accused and learned D.G.C. (criminal) and perused the record.

3. On behalf of the applicant/accused Peer Mohammad @ Sardar, it has been mentioned in their bail application to the effect that this is first bail application of the applicant/accused in this court. Neither any bail application of the applicant/accused is pending in any court or in Hon'ble High Court nor has been rejected by any court or Hon'ble High Court. In support of bail application , Affidavit has been filed by Nizamuddin, the pairokar of the applicant/accused.

4. Tersely put, the prosecution case is it that F.I.R. was lodged on 31.08.2022 at 13.06 hours at P.S. Mau Aima, Allahabad by complainant Sanjai Kumar Maurya, S.I. alleging therein that acting on telephonic information that some remains of cow progeny are lying on the western side of assistant canal of Sharda at village Bakajalapur, the police team reached on spot and found that some persons are present there on chak road near field of Manta Patel, 3 legs of cow progeny were lying and some bloods was also there. The people told that none has seen anyone cutting the cattle. The

remains of legs of cow progeny were got buried with the spade. FIR was lodged against unknown person u/s 3/5A/8 Cow Slaughter Act in crime no. 468/2022 at P.S. Mau Aima, Allahabad. As per arrest memo, accused/applicant has been arrested on 02.09.2022 at 9.40 a.m. from Furghat turning.

5. The learned counsel for the applicant/accused reiterated in his arguments the contents of bail application and submitted that applicant/accused is innocent and has been falsely implicated. He was not named in the F.I.R. His name came into light in this case during investigation. No beef has been recovered from his possession. Applicant/accused is in jail since 02.09.2022. Applicant/accused will abide by the bail conditions imposed by the court and are ready to furnish the required sureties. It has been prayed that accused/applicant be released on bail.

6. Per contra, the learned D.G.C. (criminal) opposed the bail application and argued that 3 legs of progeny of cow and some bloods have been recovered from the spot. The name of accused came into light in this case during investigation. The accused/applicant has criminal history of 3 other cases- 1. Crime case no. 84/2020 under section 3/5/8 Cow Slaughter Act & S. 11 Prevention of Cruelty to Animals Act P.S. Mandhata District Pratapgarh, 2. Crime case no. 86/2020 under section 25/3 Arms Act P.S. Mandhata District Pratapgarh, 3. Crime case no. 205/2020 under section 2/3 Gangster Act P.S. Mandhata District Pratapgarh. He has prayed that bail application be rejected.

7. A perusal of the record shows that the accused/applicant was not named in F.I.R. In the present case, 3 legs of cow progeny have been recovered, which were buried there thereafter. Neither applicant was arrested from the spot nor it is case of recovery of beef from his possession. The applicant is languishing in jail since 02.09.2022.

8. Considering the facts and circumstances of the case, the gravity of offence, and role of the applicants/accused, without entering into the merit of the case, it appears to be a fit case for bail. Hence, this bail application is

liable to be allowed.

ORDER

The Bail Application of the accused/applicant Peer Mohammad @ Sardar is allowed.

Let the applicant/accused Peer Mohammad @ Sardar be released on bail in case crime No. 468 of 2022, under section- S. 3/8 Prevention of Cow Slaughter Act, police station- Mau Aima District- Prayagraj on his furnishing a personal bond of Rs. 50,000 (Rupees Fifty Thousand) and two sureties of the like amount to the satisfaction of the concerned court on the following conditions.

1. Applicant/accused will comply strictly the conditions of bail-bonds mentioned in S. Section 437(3) of Chapter 33 of Code of Criminal Procedure.

(a) The applicant shall attend the Court according to the conditions of the bond executed by him under this chapter;

(b) The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and,

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

2. The applicant/accused will execute bail bond as per points mentioned in Form 45 under S. 437 Cr.P.C.- "Accused will appear before the court if notice is being issued by any higher court in an appeal or writ within 6 months after completion of trial."

3. The applicant/accused will co-operate during investigation/trial.

4. The applicant/accused will file an undertaking to the effect that he will not move adjournment during trial/evidence when any witness is present in the court. On violating this condition, the concerned court will have right to pass a justified order against the accused for mis-use of the liberty of bail.

(Santosh Rai)
Sessions Judge
Allahabad