

(2023) 09 UK CK 0115

In the Uttarakhand High Court

Case No : Anticipatory Bail Application No. 875 Of 2023

Inam Ali Alias Rahman

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 27-09-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Uttarakhand Protection Of Cow Progeny Act, 2007 — Section 3, 5, 11
Indian Penal Code, 1860 — Section 332, 353

Citation : (2023) 09 UK CK 0115

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Mohd. Safdar, Manisha Rana Singh

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. Present Application has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of Anticipatory Bail in connection with the Case Crime No. 407 of 2023 registered at police station SIDCUL, District Haridwar under Sections 3/5/11 of the Uttarakhand Protection of Cow Progeny Act, 2007, Section 332 and Section 353 of the Indian Penal Code, 1860.

2. As per the First Information Report dated 26.07.2023, informant Sharad Singh, Sub-Inspector, was present in the area of his police station along with other police personnel. A secret information was received by him regarding slaughtering of cows. On the said information, police party raided the spot. Three persons were present on the spot. When the police party tried to arrest them, they assaulted them. Police party recovered 135 Kg of beef, cutting tools and other articles from the spot. Co-accused Taseen and Naeem were arrested by the police. They disclosed the name of the present applicant.

3. Mr. Mohd. Safdar, Advocate, contended that the applicant was not present on

the spot. Nothing was recovered from his possession. He has been implicated by the co-accused persons. There was no independent witness present at the time of the alleged recovery. Applicant has no criminal history. He is a permanent resident of District Haridwar, therefore, there is no chance of his absconding, and, the said offences are triable by Magistrate.

4. On the other hand, Mrs. Manisha Rana Singh, A.G.A., has opposed the Anticipatory Bail Application.

5. In the facts and circumstances of the case, applicant- Inam Ali alias Rahman is directed to be released on Anticipatory Bail, in the event of his arrest, on furnishing his personal bond of Rs. 30,000/- and two reliable sureties, each in the like amount on the following conditions:-

(i) Applicant shall not directly or indirectly make any inducement, threat or promise to any person, acquainted with the facts of this case;

(ii) Applicant shall cooperate with the Investigating Agency and he shall make himself available at the time of interrogation by the Investigating Agency as and when required;

(iii) Applicant shall not leave the country without previous permission of the Trial Court.

6. It is clarified that if the applicant misuses or violates any of the conditions, imposed upon him, the concerned authority will be free to move the Court for cancellation of the anticipatory bail.

7. The Anticipatory Bail Application (No. 875 of 2023) stands disposed of accordingly.