
(2023) 10 UK CK 0048

In the Uttarakhand High Court

Case No : Anticipatory Bail Application No. 929 Of 2023

Mohammad Mustafa

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 11-10-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Uttarakhand Protection Of Cow Progeny Act, 2007 — Section 3, 5, 11
Prevention Of Cruelty To Animals Act, 1960 — Section 11

Citation : (2023) 10 UK CK 0048

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Gaurav Singh, M.K. Chand

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. Applicant-accused Mohammad Mustafa has filed the present Application under Section 438 of the Code of Criminal Procedure, 1973 for grant of Anticipatory Bail under Sections 3/5/11 of the Uttarakhand Protection for Cow Progeny Act, 2007 and Section 11 of the Prevention of Cruelty to Animals Act, 1960 in connection with the First Information Report No.707 of 2023, registered at police station Bhagwanpur, District Haridwar.

2. On a secret information, the informant – Rishikant Patwal, Sub-Inspector, and other police personnel along with Azad and Sahnawaj, public witnesses, raided the spot. Four persons were present on the spot. Seeing the police, they managed to escape from the spot. Police party recovered 150 Kg. Beef, one cow and cutting tools from the spot. Azad and Sahnawaj told the police that Mohammad Mustafa (applicant) was also among those who fled from the spot.

3. Heard Mr. Gaurav Singh, learned counsel for the applicant and Mr. M. K. Chand, learned A.G.A. for the State.

4. Mr. Gaurav Singh, Advocate contended that the applicant has been falsely implicated by the said public witnesses. Applicant was not present on the spot. Nothing was recovered from his possession. The place of recovery does not belong to him. He is not a previous convict. He is a permanent resident of District Haridwar, therefore, there is no chance of his absconding, and, the said offences are triable by Magistrate.

5. Mr. M. K. Chand, A.G.A. opposed the Anticipatory

6. In the facts and circumstances of the case, applicant- Mohammad Mustafa 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.

7. 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.

8. Anticipatory Bail Application (No.929 of 2023) stands disposed of accordingly.