

(2023) 10 UK CK 0034

In the Uttarakhand High Court

Case No : Anticipatory Bail Application No. 921 Of 2023

Mohd. Naushad

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 09-10-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Uttarakhand Protection Of Cow Progeny Act, 2007 — Section 3, 5, 11

Citation : (2023) 10 UK CK 0034

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Gaurav Singh, K.S. Bora, M. K. Chand

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.383 of 2023, registered at police station Bahadrad, District Haridwar under Section 3/5/11 of the Uttarakhand Protection of Cow Progeny Act, 2007 and Section 3 read with Section 11 of the Prevention of Cruelty to Animals Act, 1960.

2. As per the First Information Report dated 30.09.2023, Sub-Inspector Sharad Singh, informant, was busy in patrolling duty along with other police personnel. They raided the spot on a secret information. Four persons were present on the spot. Seeing the police, two persons managed to escape from the spot. Police party recovered 150 Kg. beef, cutting tools and other articles from the spot. Two accused persons were arrested on the spot. The co-accused persons stated in their confessional statements that they along with Mohd. Naushad (present applicant) had slaughtered a bull.

3. Mr. Gaurav Singh, Advocate, submits that the applicant has been falsely implicated by the co-accused persons. He was not present on the spot. The spot

does not belong to the applicant. Nothing was recovered from his possession. He 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. Mr. M.K. Chand, A.G.A., has opposed the Anticipatory Bail Application.

5. In the facts and circumstances of the case, applicant- Mohd. Naushad 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 condition, imposed upon him, the concerned authority will be free to move the Court for cancellation of the anticipatory bail.

7. Anticipatory Bail Application (No.921 of 2023) stands disposed of accordingly.