

(2023) 08 UK CK 0120

In the Uttarakhand High Court

Case No : Anticipatory Bail Application No. 717 Of 2023

Muneer

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision : 22-08-2023

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 3, 11
Constitution Of India, 1950 — Article 21

Citation : (2023) 08 UK CK 0120

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : Gaurav Singh, 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 Case Crime No.144 of 2023, registered at police station Kotwali Roorkee, 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 FIR, on 31.01.2023, informant Ashish Kumar, Sub-Inspector, along with other police personnel was doing patrolling duty. They raided the spot on a secret information. Four persons were present on the spot. Seeing the police, they managed to escape from the spot. Present applicant was recognized by Sub-Inspector Sharad Singh. They recovered 25 Kg. beef, two live cow, an axe and a knife from the spot.

3. Mr. Gaurav Singh, Advocate, contended that the applicant was not present at

the spot. He has been implicated in the present matter. Nothing was recovered from his possession. He is not a previous convict, and , he is a permanent resident of District Haridwar, therefore, there is no chance of his absconding.

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

5. Personal liberty under Article 21 of the Constitution of India is very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.

6. In the facts and circumstances of the case, it is directed that in the event of arrest of the applicant Muneer, he will be released on Anticipatory Bail on furnishing his personal bond of Rs. 30,000/- and two reliable sureties, each in the like amount, to the satisfaction of the Investigating Officer/Arresting Officer with 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 will 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.717 of 2023) stands disposed of accordingly.