Court No. - 13

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 342 of 2025

Applicant :- Ekhlak @ Mo Ekhlak
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko
Counsel for Applicant :- Arti Shukla
Counsel for Opposite Party :- G.A.

Hon'ble Manish Mathur,J.

1. Learned counsel for applicant is granted liberty to implead complainant as opposite party no.2 and to re-number the opposite parties during course of the day.

2. Supplementary affidavit filed today is taken on record.

3. Heard learned counsel for applicant and learned Additional Government Advocate appearing on behalf of opposite party no.1.

4. Issue notice to opposite party no.2.

5. First Anticipatory Bail Application has been filed with regard to Case Crime no.Case Crime No.38 of 2021 under Section 3/5/8 of U.P. Prevention of Cow Slaughter Act, the Prevention of Cruelty to Animals Act, 1960, P.S. Gosaiganj, District Sultanpur.

6. As per contents of first information report, the incident is said to have occurred on 22.01.2021 when applicant along with co-accused is said to have been apprehended on account of cow slaughter.

7. It has been submitted by learned counsel for applicant that applicant has been falsely implicated in the charges levelled against him particularly since he was not apprehended from the spot. Incorrect implication of applicant is also also evident from the fact that the first information report itself indicates that

the police personnel already knew the applicant and co-accused before hand. It is submitted that even otherwise no laboratory analysis of the meat which was seized was conducted. It is submitted that there is apprehension of arrest. It is also submitted that co-accused Taukeer Ahmad @ Salman and Mohd Arman as well as Ibrahim and Shahban have already been granted anticipatory bail in Anticipatory Bail Applications numbered 1770 of 2021 and 8449 of 2021 respectively.

8. Learned Additional Government Advocate has opposed the prayer for anticipatory bail but could not dispute the factual aspects.

9. It is submitted that investigation however is ongoing.

10. Upon consideration of submissions advanced by learned counsel for the parties and perusal of material on record, prima facie, subject to further evidence being collected during investigation it appears that applicant was not apprehended from the spot and that no laboratory analysis of the meat seized was conducted; co-accused have also been provided protection as indicated herein above and therefore in view of law laid down by Hon'ble the Supreme Court in **Sushila Aggarwal and others** versus **State (NCT of Delhi) and another** (2020)5 SCC 1, it would be appropriate to grant interim protection to the applicant under Section 438 Cr.P.C.

11. List this case on 10.04.2024 along with service report.

12. Objections may be filed in the meantime.

13. In view of above, interim anticipatory bail is granted to applicant providing that in the event of arrest, applicant **Ekhlak @ Mo Ekhlak** shall be released on bail on his furnishing a personal bond and two sureties of the like amount to the satisfaction of the arresting officer/I.O./S.H.O. concerned

subject to following conditions:-

14. The applicant shall cooperate in the investigation and he will not influence the witness. The accused-applicant will remain present as and when the arresting officer/I.O./S.H.O. concerned call(s) for investigation/interrogation. The applicant shall not leave India without previous permission of the Court.

15. In case of default, it would be open for the investigating agency to move application for vacation of this interim protection.

Order Date :- 24.3.2025
kvg/-

Digitally signed by :-
GIREESAN KV
High Court of Judicature at Allahabad,
Lucknow Bench