



2026:AHC:6679

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 44133 of 2025

Mohammad Rafi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ram Chandra Kushwaha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

1. Heard learned counsel for the applicant, Sri S. K. Rai, learned AGA for the State-Respondent and perused the record.

2. This bail application has been moved on behalf of accused-applicant, seeking enlargement on bail in Case Crime No. 278 of 2025, under Sections 3/5-A/8, 5 of the U.P. Prevention of Cow Slaughter Act, Sections 109, 318(4), 336(3), 338, 340(2) of BNS and Section 4/25 of Arms Act, Police Station Syed Raza, District Chandauli.

3. Learned counsel for the applicant argued that the accused-applicant is innocent and he has been falsely implicated in this case crime number. He submits that the applicant is Driver of the vehicle in question. He submits that the allegation of transporting of for slaughtering is false. He submits that the charge sheet against the applicant has been filed and the applicant is no more required for any further custodial interrogation. There is no recovery of cow progeny or cow meat or any other incriminating article from the possession of the present applicant. The applicant is not involved in the business of purchase and sale of the animals. There is no independent or public witness of the alleged incident. He further submits that the applicant is languishing in jail since 21.09.2025 and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. He submits that the applicant has no criminal history to his credit. Hence, bail has been prayed for.

4. Learned AGA has vehemently opposed, but could not dispute the fact that

nothing incriminating has been recovered from the possession of the applicant.

5. Considering all those facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima-facie case, but without commenting on merit of case, a case for bail is made out.

6. Accordingly, the bail application is **allowed**.

7. Let the accused-applicant, **Mohammad Rafi**, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

- i. The applicant will not tamper with the evidence.
- ii. The applicant will not indulge in any criminal activity.
- iii. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
- iv. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

8. In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

January 12, 2026

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(Ashutosh Srivastava,J.)