

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 33329 of 2023

Applicant :- Ashiq

Opposite Party :- State of U.P.

Counsel for Applicant :- Rizwan Ullah Siddiqui

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Rizwan Ullah Siddiqui, learned counsel for the applicant and Sri B.P. Singh, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 617 of 2022, under Sections 3/5A/8 of Cow Slaughter Act and section 11 Animal Cruelty Act, Police Station Kairana, District Shamli, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that this is the second bail application filed on behalf of the applicant. The first bail application of the applicant has been dismissed on 25.1.2023 by this Court and instant second bail application is being pressed on the ground that applicant is under detention in the present matter under the provisions of Cow Slaughter Act and Animal Cruelty Act since 5.11.2022 i.e. for almost a year.
4. He further submitted that applicant is having no criminal history to his credit.
5. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.
6. I have heard learned counsel for the parties and perused the record of the case.
7. However, this is the second bail application filed on behalf of the applicant. The first bail application of the applicant has been dismissed on 25.1.2023 by this Court on merit but it appears that applicant was challenged under the provisions of Cow Slaughter Act and Animal Cruelty Act.
8. It further reflects, that applicant is in jail in the present matter since 5.11.2022 i.e. for almost a year and he is having no criminal history to his credit.
9. Therefore, considering the facts and circumstances of the case,

discussed above, particularly the long incarceration of the applicant of one year, in my view, applicant is entitled to be released on bail.

10. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

11. Let the applicant-**Ashiq**, be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

12. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

13. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 1.11.2023

Ankita