

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52515 of 2021

Applicant :- Nizamuddin

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Kumar Srivastava, Mohammad Zakir, Rakesh Kumar Verma, Sameer Khan, Sunil Kumar Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. The second bail application has been filed in view of the rejection of the first bail application vide order dated 15.03.2021.
2. Heard learned counsel for the applicant, learned AGA and perused the record.
3. The accused-applicant seeks bail in Case Crime No.493 of 2020 under section 3/5A/8 of U.P. Prevention of Cow Slaughter Act, P. S. Dhaulana, District Hapur.
4. The contention of the counsel for the applicant is that the applicant who was involved in case crime no.493 of 2020 was enlarged on bail by this court vide order dated 08.02.2021. While granting the bail, this court had observed that the recovery of one kilogram cow beef was said to be recovered from the applicant. Subsequently, a correction application was moved seeking correction that one kilogram referred to was wrongly referred and it was one quintal, which was allegedly recovered from the applicant. Finding the said correction application to be malafide, this court vide order dated 15.03.2021 rejected the bail application.
5. Second bail application has been filed mainly on the ground that the applicant is in custody since almost more than two years and the trial has not yet proceeded. To demonstrate the stage of trial, the applicant has produced a certified copy of the order-sheet, which is taken on record.
6. Considering the fact that the applicant is languishing in jail since more than two and a half years and the trial has not proceeded primarily, the right of speedy trial of the applicant has been adversely affected. Even otherwise, there is nothing on record to demonstrate that the applicant, if enlarged on bail can adversely affect the trial, as such, the applicant who is in custody since 21.10.2021 is entitled to be enlarged on bail. Thus the bail

application is allowed.

7. Let the applicant ***Nizamuddin*** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned with the following conditions:

- (a) The applicant shall execute a bond to undertake to attend the hearings;
- (b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and
- (c) The applicant shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.

Order Date :- 30.10.2023

VNP/-