

Court No. - 64

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38758 of 2023

Applicant :- Noor Sayyadi

Opposite Party :- State of U.P.

Counsel for Applicant :- Harish Chandra Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Heard learned counsel for the applicant and learned A.G.A. for the State and perused the material on record.

The instant bail application has been filed on behalf of the applicant, Noor Sayyadi, with a prayer to release her on bail in Case Crime No. 283 of 2023, under Section- 3/5/8 of Cow Slaughter Act , Police Station- Kokhraj, District- Kaushambi, during pendency of trial.

It is argued by the learned counsel for the applicant that the applicant is alleged to be pillion rider and she is quite innocent and has been falsely implicated in the present case by the informant with ulterior motive. No offence under Sections U.P. Prevention of Cow Slaughter Act, 1955 has been committed by him warranting punishment under the aforesaid Act. He has further submitted that from the allegations made against the applicant no cognizable offence as per Section 9 of the U.P. Prevention of Cow Slaughter Act, 1955 is made out against her. The offence is triable by Magistrate and maximum sentence of 7 years. The applicant has no criminal history and she is in jail since 13.07.2023. In case the applicant is released on bail she will not misuse the liberty.

Per contra learned A.G.A. has opposed the bail prayer of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, she does not deserves any indulgence. He has strongly opposed the bail and contended that cow slaughtering leads to acrimony between various groups of society. It has also resulted into riot like situations which poses serious problem for law and order before the State. He has finally submitted that due to above reasons, State had to apply U.P. Gangster and Anti-Social Activities (Prevention) Act, 1986 against some of such accuseds. He has pointed out that for the above

reasons the U.P. Prevention of Cow Slaughter Act, 1955, Prevention of Cruelty to Animals Act, 1960, U.P. Goshala Adhiniyam, 1964 and U.P. Go-Sewa Ayog Adhiniyam, 1999 have been enacted by the State Government.

Considering the material/evidence brought on record, the submissions made by the learned counsel for the parties as well as the dictum of Apex Court in the case of Dataram Singh Vs. State of U.P. and another, reported in (2018) 3 SCC 22 and recent judgment dated 11.07.2022 of the Apex Court in the case of Satendra Kumar Antil vs. C.B.I., passed in S.L.P (Crl.) No. 5191 of 2021 larger mandate of Article 21 of the constitution of India, let the applicant involved in the aforesaid case crime be released on bail on her furnishing a personal bond and two sureties each of the like amount to the satisfaction of the court concerned, subject to the following conditions :-

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.
3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
4. The applicant shall remain present before the trial court on each date fixed, either personally or through her counsel. In case of her absence, without sufficient cause, the trial court may proceed against her under Section 229-A of the Indian Penal Code;
5. In case, the applicant misuses the liberty of bail and in order to secure her presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against her, in accordance with law, under Section 174-A of the Indian Penal Code.
6. The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of her bail and proceed against her in accordance with law.

In case, of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Order Date :- 15.12.2023

Rohit