

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41137 of 2023

Applicant :- Nazre Alam @ Sheru @ Shabre Alam

Opposite Party :- State of U.P.

Counsel for Applicant :- Prem Prakash Yadav, Alok Singh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 236 of 2023 under Sections 3/5/8 Prevention of Cow Slaughter Act, 1955 (U.P.) Section 4/25 Arms Act, and Section 429 I.P.C. Police Station Ahrauli, District- Azamgarh, during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The applicant is neither named in the F.I.R. nor arrested from the spot, his name came into light in the statement of the co-accused. Neither any specific role has been assigned to the applicant nor any incriminating article/substance has been recovered from his possession as there is no independent witness of the same. The applicant is in jail since 25.07.2023, having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.
4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Considering the rival submissions of learned counsel for parties, material available on record as well as in light of the submission of counsel for the applicant to the effect that while on bail in this case, the applicant would not commit any crime/offence nor would try to tamper the evidence or influence the witnesses in any manner, whatsoever it may be, and without expressing any opinion on the merits of the case, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is allowed.

6. Let the applicant- **Nazre Alam @ Sheru @ Shabre Alam**, involved in aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 17.10.2023

S.Verma