

Court No. - 81

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41238 of 2023

Applicant :- Gatta Alias Dipti Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Kumar, Chhedi Lal Kushwaha

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

1. Heard Shri Chhedi Lal Kushwaha, learned counsel for applicant and learned A.G.A. for the State.
2. The present bail application has been filed by the applicant seeking bail in case crime no. 0195 of 2023, under Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act and Section 7 of the Criminal Law (Amendment) Act at Police Station-Narkhi, District Firozabad.
3. As per prosecution case, on the basis of a confidential information received by the police they apprehended 3 persons on the spot alongwith remains of slaughtered animals of cow progeny; 2 of them managed to escaped; it is alleged that the instruments used in slaughtering of the animals were also recovered from the spot.
4. It is contended on behalf of the applicant that he was not involved in the incident and that he has been falsely implicated in this case on the basis of statements made by co-accused persons who have been apprehended on the spot; he was not arrested on the spot; there is no report of the FSL to show that the alleged remains of slaughtered animals was actually of cow progeny; he has criminal history of two cases and in both cases he has been granted bail as disclosed in the supplementary affidavit; he is in custody since 05.08.2023 i.e. about five months now; he assures that he shall abide by the conditions of bail, if any, imposed by this court. It is further contended that co-accused Raheesh Khan, Mahboob alias Nemu, Santara @ Sua and Suhail have been granted bail by orders dated 18.07.2023, 26.09.2023, 11.07.2023 and 28.07.2023 in Criminal Misc. Bail Application Nos.29987 of 2023, 41742 of 2023, 27041 of 2023 and 30751 of 2023 respectively. Case of the applicants stands on better footing than case of co-accused.
5. The application for bail is opposed by learned A.G.A., however it is conceded that it cannot be said with certainty that how long it will take for trial to conclude.
6. I considered all the facts and circumstances of the case including explanatory defence offered by the applicant. In my view, a case for bail is made out.
7. Let applicant -**Gatta Alias Dipti Khan** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to

following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (a) hearing/framing of charge and (b) recording of statement under Section 313 Cr.P.C. without exception.

8. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order.

Order Date :- 13.12.2023

Asha