

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43252 of 2023

Applicant :- Kaleem

Opposite Party :- State of U.P.

Counsel for Applicant :- Rizwan Ullah Siddiqui

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Counter affidavit filed today is taken on record. 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. 384 of 2023 under Sections 3, 5A, 8 Prevention of Cow Slaughter Act, Section 11 (Gha) of Animal Cruelty Act, Section 307 IPC and Section 3/25 Arms Act, Police Station- Behat, District- Saharanpur, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. Though the applicant was arrested from the spot, however, neither beef nor any slaughtering implement has been recovered from the possession of the applicant. The offence is triable by Court of Magistrate. There is no independent witness in support of the prosecution story, the applicant has been implicated by the police to show good work. There are criminal history of seven cases to the credit of the applicant which have been explained in supplementary affidavit. The applicant is in jail since 24.08.2023, 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. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Kaleem**, 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.
- (iv) shall appear before the concerned S.H.O. on any day of the first week of every month till the further order of the trial Court.

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 :- 7.12.2023

S.Verma