

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43587 of 2023

Applicant :- Anwar

Opposite Party :- State of U.P.

Counsel for Applicant :- Ram Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary 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. 176 of 2023 under Sections 3/5/8 Prevention of Cow Slaughter Act, and Section 11 of Animal Cruelty Act, Police Station Bhagatpur, District- Moradabad, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. There is no public witness of the alleged recovery of beef and arrest of the applicant. It is next contended that the co-accused Akash, having identical role, has been granted bail by this court in Criminal Misc. Bail Application No. 44047 of 2023 vide order dated 28.10.2023. The applicant claims parity. The criminal history of the applicant has been explained in para 2 of the supplementary affidavit. The applicant is in jail since 28.07.2023, iIn 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- **Anwar**, 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 :- 20.11.2023

S.Verma