

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43808 of 2023

Applicant :- Rizwan

Opposite Party :- State of U.P.

Counsel for Applicant :- Arun Kumar Vishvakarma

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Arun Kumar Vishvakarma, learned counsel for the applicant, learned AGA for the State-opposite party and perused the record.
2. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 674 of 2023, under Sections 3/5 क /8 of the U.P. Prevention of Cow Slaughter Act and Section 3/11 ग of the Animal Cruelty Act, Police Station- Sikandara, District- Agra, during the pendency of trial.
3. Counsel for the applicant submitted that the applicant has been falsely implicated in the instant case by the co-accused Mohd. Sahil @ Guddu due to ulterior motive and to take revenge from the applicant. The name the applicant came into picture during the confessional statement of the co-accused Mohd. Sahil @ Guddu, who was arrested with beef. Learned counsel for the applicant has explain criminal history of two cases, which is mentioned in para no. 4 of the supplementary affidavit, in which the applicant has already been enlarged on bail. Copy of the order has been annexed as **Annexure No. SA-2** to the supplementary affidavit. The applicant is in jail since **08.09.2023**. In case, he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA 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- **Rizwan**, involved in the aforesaid case crime 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 :- 9.11.2023

Vinod.