

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44127 of 2023

Applicant :- Insaaf Ali

Opposite Party :- State of U.P.

Counsel for Applicant :- Mukesh Joshi

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 present application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No.006 of 2020, under Sections 3, 5, 8 U.P. Prevention of Cow Slaughter Act, 1955 and Section 11 of Prevention of Cruelty to Animals Act, Police Station Chajlet, District Moradabad.
3. Learned counsel for the accused-applicant submitted that the applicant is innocent and has been falsely implicated in the instant case due to malafide intentions. He next submitted that neither the applicant was arrested on the spot nor there is any recovery from his possession. He further submitted that the name of the applicant was surfaced for the first time in the statement of one co-accused Hamid, who was arrested on the spot and co-accused Hamid and another co-accused Arshad have already been enlarged on bail by Co-ordinate Benches of this Court, vide orders dated 26.10.2020 and 19.02.2020 passed in Criminal Misc. Bail Application Nos.8389 of 2020 and 7938 of 2020, respectively. Copy of the bail orders are taken on record. He next submitted that earlier the applicant had been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 11.02.2020 but due to his

default, he was arrested and sent to jail and since then i.e. from 19.08.2023 is languishing in jail and having no criminal history to his credit. There is no likelihood of his abscondence or tampering with the evidence, therefore, the accused-applicant may be enlarged on bail on the ground of parity.

4. Learned AGA has vehemently opposed the bail application but he could not dispute the submission made above.

5. Considering the facts, circumstances and the submissions made above, this Court is of the view that the applicant has made out a fit case for grant of bail. Accordingly, the bail application is **allowed**.

6. Let the applicant - **Insaaf Ali**, 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 :- 28.10.2023

Zafar