

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45508 of 2023

Applicant :- Kallu @ Kalua

Opposite Party :- State of U.P.

Counsel for Applicant :- Hasan Parvej

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Second supplementary affidavit filed on behalf of the applicant in Court today is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
3. The present application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No.285 of 2020, under Sections 3/5/8 U.P. Prevention of Cow Slaughter Act, 1955, Police Station Deorania, District Bareilly.
4. 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 nothing has been recovered from the possession of the applicant. He further submitted that the co-accused Bilal has already been enlarged on bail by Co-ordinate Bench of this Court, vide order dated 27.10.2023. He next submitted that the applicant has criminal history of three cases. In Case Crime No.437 of 2022, he has been exonerated and in Case Crime No.18/2019, in which he is not named in the F.I.R., which have been explained in para 15 of the affidavit filed in support of the bail application. In Case Crime No.319 of 2019, Sections 3/5Ka/8 Cow Slaughter Act, in which he has been granted interim bail by Additional Sessions Judge,

Bareilly vide order dated 11.11.2019 and the same has been explained in para 4 of the supplementary affidavit filed in support of the bail application. Copy of bail order of is annexed as Annexure No.S.A.-4 of the supplementary affidavit. Applicant is languishing in jail since 27.08.2023. 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.

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

6. 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**.

7. Let the applicant - **Kallu @ Kalua**, 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.

8. 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