

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46025 of 2023

Applicant :- Bora @ Shahjad And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Sarfaraz Ahmad,Ubaidur Rehman

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicants, learned AGA and perused the record.

2. The accused-applicants seek bail in Case Crime No.781 of 2023 under section 3/5A/8 U.P. Prevention of Cow Slaughter Act and under section 4/25 Arms Act, Police Station Kotwali Padrauna, District Kushinagar.

3. It is argued that the applicants have been falsely implicated in the case and nothing incriminating has been recovered from the possession of the applicants. It is also argued that there is no independent witness of the alleged recovery and the recovery is totally false. It is further argued that there are no chances of the applicants of fleeing away from the judicial process or tampering with the prosecution evidence. It is next contended by the learned counsel for the applicants that the applicants if enlarged on bail will not misuse the liberty of bail. The applicants are in jail since 18.08.2023 having no criminal antecedents.

4. Learned A.G.A. has opposed the prayer for bail, but could not dispute the aforesaid facts.

5. Considering the facts and circumstances of the case and also perusing the material on record, without expressing any opinion on the merit of the case, the applicants are entitled for the bail. Thus the bail application is allowed.

6. Let the applicants ***Bora @ Shahjad and Dastgir Kureshi*** be released on bail in aforesaid first information report number subject to their furnishing a personal bond and two reliable sureties of Rs.25000/- each with the following conditions:

(a) The applicants shall execute a bond to undertake to attend the hearings;

(b) The applicants shall not commit any offence similar to the

offence of which he is accused or suspected of the commission;
and

(c) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 31.10.2023
VNP/-