

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45682 of 2023

Applicant :- Mohammad Imran

Opposite Party :- State of U.P.

Counsel for Applicant :- Girish Kumar Gupta, Santosh Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
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. 259 of 2023, under Sections 3/5A/5B/5/8 Cow Slaughter (Prevention) Act & 11 Animal Cruelty (Prevention) Act, and Section 307 I.P.C., Police Station- Chandauli, District- Chandauli, during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the instant case. False recovery of livestock has been shown from a vehicle driven by the applicant. There is no independent witness to the alleged recovery. Recovery of a mobile phone and Rs. 8350/- has also been shown from the applicant. The said mobile phone and the Indian Currency belong to the applicant. No recovery of cow meat has been shown from the applicant. The applicant is in jail since 24.09.2023, having no criminal history and if he is released 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. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that there is no independent witness to the alleged recovery. At this stage, there is no substantive evidence against the applicant. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than one month and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State

that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Mohammad Imran**, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of 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; and,
- (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 :- 6.11.2023

Mohini