Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46851 of 2023

Applicant :- Mohammad Sahim
Opposite Party :- State of U.P.
Counsel for Applicant :- Kirt Raj Yadav
Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

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

2. The accused-applicant seek bail in Case Crime No.90 of 2023 under section 3/5/8 U.P. Cow Slaughter Act, Police Station Pawai, District Azamgarh.

3. It is argued that the applicant has been falsely implicated in the case and nothing incriminating has been recovered from the possession of the applicant. It is also argued that there is no independent or public witness of the alleged recovery. It is further argued that there are no chances of the applicant of fleeing away from the judicial process or tampering with the prosecution evidence. It is next contended by the learned counsel for the applicant that the applicant if enlarged on bail will not misuse the liberty of bail. The applicant is in jail since 15.04.2023.

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 applicant is entitled for the bail. Thus the bail application is allowed.

6. Let the applicant **Mohammad Sahim** be released on bail in aforesaid first information report subject to his furnishing a personal bond and two reliable sure1ties of Rs.25000/- each with the following conditions:

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

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant 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 :- 3.11.2023
Sachin

Digitally signed by :-
SACHIN TIWARI
High Court of Judicature at Allahabad