

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47701 of 2023

Applicant :- Imran @ Bhodu

Opposite Party :- State of U.P.

Counsel for Applicant :- Shailendra Kumar Rai

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 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. 373 of 2023 under Sections 3/5A/8 Prevention of Cow Slaughter Act, 1955 (U.P.) and Section 11 of Prevention of Cruelty to Animals Act, Police Station- Rasra, District- Ballia, during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The applicant is not named in the F.I.R. nor arrested from the spot. There is no public witness of the alleged recovery of beef. It is next contended that the co-accused Santosh Kumar Chaurasia, having identical role, has been granted bail by this court in Criminal Misc. Bail Application No. 45895 of 2023 vide order dated 31.10.2023 respectively. The applicant claims parity. The applicant is in jail since 20.08.2023, having no criminal history. In case he is enlarged 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 regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.
6. Let the applicant- **Imran @ Bhodu**, involved in aforesaid case 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 :- 21.11.2023

S.Verma