

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48277 of 2023

Applicant :- Mehtab Ahmad

Opposite Party :- State of U.P.

Counsel for Applicant :- Hasan Parvej

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
3. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.289 of 2023, under Sections 3/5/8 Cow Slaughter Act, Police Station Deorania, District Bareilly, during the pendency of trial.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is further contended that the alleged recovered cattle were found on the open place for which no recovery memo has been prepared. It is also contended that recovery of the alleged articles i.e. gatta, rassi and one polythene has been shown from the applicant for but no witness, independent or public, has been shown in this regard. He further contends that there is criminal history of six cases against the applicant in which he has been enlarged on bail which has been explained in paragraph-18 of the affidavit filed in support of the bail application. There is no likelihood of his abscondence or tampering with the evidence. He is in jail since 31.08.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.
5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions advanced by the counsel for the applicant from the record.
6. Having regard to the facts, circumstances of the case and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

7. Let the applicant - **Mehtab Ahmad**, 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 :- 9.11.2023

Shahroz