

Court No. - 67

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48479 of 2023

Applicant :- Mohd Hifazat Khan

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Akbar Shah Alam Khan, Ajeet Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material on record.

The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No. 282 of 2023, under Section 3/5A/5B/8 Prevention of Cow Slaughter Act, 11 Prevention of Animal Cruelty Act, Police Station Chandauli, District Chandauli.

Learned counsel for the applicant submits that on the information of informer on 14.10.2023 police reached at the spot and recovered a D.C.M. UP BT 9564 having 25 Govansh and one chapad. It is alleged that the appellant fled away from the spot and he was arrested on 16.10.2023 and nothing incriminating material has been record from his possession. He did not claim the ownership of the alleged vehicle. He submits that there is no independent witness of the alleged recovery. He further submits that he is not named in the FIR and he has also no criminal history. There is no possibility of the applicant of fleeing away from the judicial process or tampering with the witnesses and, in case, the applicant is enlarged on bail, the applicant shall not misuse the liberty of bail. It is next contended that applicant is languishing in jail since

16.10.2023.

Learned AGA for the State opposed the bail application but could not dispute the aforesaid submissions as argued on behalf of the applicant.

Considering the facts and circumstances of the case and without expressing any opinion on merits of the case, the bail application is allowed.

Let the applicant- **Mohd Hifazat Khan** be released on bail in the aforesaid case crime number on furnishing a personal bond of Rs. 50,000/- and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

- (i) The applicant will not tamper with the evidence during the trial.
- (ii) The applicant will not influence any witness.
- (iii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- (iv) The applicant shall not directly or indirectly make 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 to any police officer or tamper with the evidence.

In case of breach of any of the above condition, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 9.11.2023

Israr