

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50480 of 2023

Applicant :- Mozim Khan And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohammad Abid Ali, Amar Nath Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicants has filed supplementary affidavit, which is taken on record.
2. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the records.
3. The instant bail application, has been filed with a prayer to enlarge the applicants on bail in Case Crime No. 257 of 2023, under Sections 3/5-A/8 of Cow Slaughter Act, 1955, (1/1956) and Section 11 Animal Cruelty Act, 1960, Police Station- Sheeshgarh, District- Bareilly, during pendency of the trial.
4. Counsel for the applicants submits that the applicants have been falsely implicated in the instant case due to *mala-fide* intention. The applicants were not arrested from the spot with calf. Their name came into picture on the confessional statement of the other co-accused persons Asif Khan and Mohd. Kaif. The applicants have no criminal antecedent in their credit except the case mentioned in the affidavit. They are in jail since 25.10.2023, in case they are enlarged on bail, they will not misuse the said liberty.
5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail.
7. Let the applicants, **Mozim Khan** and **Jameel**, involved in the aforesaid case be released on bail on their furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:
 - i. the applicants shall not temper with the prosecution evidence;

- ii. the applicants shall not pressurize the prosecution witness;
- iii. the applicants shall appear on each and every date fixed by the trial court.

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 :- 4.12.2023

Vinod.