

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50907 of 2023

Applicant :- Javed Alam

Opposite Party :- State of U.P.

Counsel for Applicant :- Ramkripal Yadav

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. 131 of 2023, under Sections 3/5A/ 8 Prevention of Cow Slaughter Act, 1955 (U.P.) and Section 4/25 of Arms Act, Police Station Sahabganj, District- Chandauli, during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. Though three cows and one knife has been alleged to be recovered from the possession of the applicant, however, there is no independent witness of the alleged recovery. As a matter of fact, the applicant is a farmer and was taking his cows to his house but the police only to show good work has implicated him, in this case. No animal was either dead or injured in the alleged incident. The applicant is in jail since 31.10.2023, 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- **Javed Alam**, 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 :- 12.12.2023

S.Verma