

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9514 of 2023

Applicant :- Rizwan

Opposite Party :- State Of U.P. Thru. Secy. Home Lko.

Counsel for Applicant :- Sudhir Kumar Rai

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard Sri Sudhir Kumar Rai, learned counsel for applicant and learned A.G.A. for the State.

2. The present bail application has been filed by the applicant seeking bail in case crime no. 614 of 2014, under sections- 3/5/8 of U.P. Prevention of Cow Slaughter Act and section 11 of Animal Cruelty Act at Police Station-Achalganj, District-Unnao.

3. Admittedly, the applicant accused committed default in appearing before the court concerned and non-bailable warrant was issued against him, as he has not appeared before the court since 21.11.2021. He is in judicial custody for over 6 months now.

4. The application for bail is opposed by learned A.G.A., however certain aspects of the matter could not be refuted.

5. In the above circumstances, I find it fit to give him one more opportunity to abide by the conditions of bail and cooperate in trial.

6. Let applicant - **Rizwan** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against them under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicant fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (a) hearing/framing of charge and (b) recording of statement under Section 313 Cr.P.C. without exception.

(v) It is further provided that before issuing the release order, present and permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

7. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order.

8. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 20.11.2023/*Vikram*