

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42810 of 2024

Applicant :- Sabir

Opposite Party :- State of U.P.

Counsel for Applicant :- Abhishe Pandey, Praveen Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ashutosh Srivastava, J.

Heard learned counsel for the applicant and learned A.G.A. for the State as well as perused the record.

The accused-applicant seeks bail in Case Crime No.120 of 2024, under Section 3/5/8 of Cow Slaughter Act, Police Station- Ratanpuri, District- Muzaffar Nagar.

According to the prosecution case it is alleged that on the basis of the information received by the informant police saw three ladies and five gents distributing the cow meat after weighing it on the electronic weighing machine. Two ladies and male member was apprehended on the spot.

Learned counsel for the applicant submits that eight members of one family have been made accused in this case. 9 kg total meat is alleged to have been recovered. There is no scientific proof to the effect that the alleged meat is cow meat. Only on the basis of the clinical examination the doctor has opined that it appears like a cow meat. The applicant has criminal history of five cases and the same are explained in the bail application. The applicant is in jail since 5.9.2024. Co-accused, namely, Gulbahar has already been granted bail by Coordinate Bench of this Court in Criminal Misc. Bail Application No. 38671 of 2024 vide order dated 06.11.2024. Hence, bail has been prayed for.

Learned A.G.A. has opposed the bail prayer of the applicant but could not dispute the facts mentioned above.

I have considered the arguments advanced by learned counsel for the parties.

On due consideration to the submissions advanced by the parties,

the applicant is in jail since 5.9.2024, the offence is triable by Magistrate, the applicant has explained his criminal history and without expressing any opinion on merits of the case, I find it to be a fit case for enlarging the applicant on bail.

Accordingly, the bail application is **allowed**.

Let the applicant -**Sabir** be released on bail in the aforesaid case crime number subject to his furnishing a personal bond and two reliable sureties each in the like amount to the satisfaction of the court below concerned with the following conditions:

- (i) The applicant will not tamper with the evidence during the trial.
- (ii) The applicant will not pressurize/ intimidate the prosecution witness.
- (iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- (iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.
- (v) 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 him under Section 229-A of the Indian Penal Code.
- (vi) In case, the applicant misuses the liberty of bail during trial and in order to secure their presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails 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.

Order Date :- 19.12.2024

Anjali