Court No. - 91

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42789 of 2020

Applicant :- Haseen
Opposite Party :- State of U.P.
Counsel for Applicant :- Wahid Jamal,Pushpendra Singh
Counsel for Opposite Party :- G.A.

Hon'ble Gautam Chowdhary,J.

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

The present bail application has been filed on behalf of the applicant, **Haseen**, with a prayer to release him on bail in Case Crime No.180 of 2020, under Sections- 3/5/8 Cow Slaughter Act, Police Station- B.B. Nagar, District- Bulandshahr, during pendency of trial.

The submission advanced by learned counsel for the applicant is that the applicant is innocent and has been falsely implicated in the present case due to ulterior motive. No offence has been committed by him warranting punishment under the aforesaid Act. He has further submitted that from the allegations made against the applicant no cognizable offence as per Section 9 of the U.P. Prevention of Cow Slaughter Act, 1955 is made out against him. The offence is triable by Magistrate and maximum sentence of 7 years. In fact, Act is being misused against innocent persons. Further submission is that there is no independent witness in support of the alleged recovery. It has also been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required and is also ready to accept all the conditions which the Court may deem fit to impose upon him. It is further contended by learned counsel for the applicant that the applicant is languishing in jail since 27.8.2020.

Learned AGA for the State has opposed the prayer for bail.

Having considered the material on record, larger mandate of the Article 21 of the Constitution of India and the dictum of Apex Court in the case of **Dataram Singh Vs. State of U.P. and another, reported in (2018) 3 SCC 22** and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime 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 with the following conditions that :-

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.

2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.

3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

4. In case the applicant has been enlarged on short term bail as per the order of committee constituted under the orders of Hon'ble Supreme Court his bail shall be effective after the period of short-term bail comes to an end.

5. The applicant shall be enlarged on bail on execution of personal bond without sureties till normal functioning of the courts is restored. The accused will furnish sureties to the satisfaction of the court below within a month after normal functioning of the courts are restored.

6. The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad.

7. The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Order Date :- 9.12.2020
Vandana