

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15195 of 2022

Applicant :- Saleem

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

Counsel for Applicant :- Prem Prakash Singh

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicant, Sri Aniruddh Kumar Singh, learned A.G.A.-I for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with a prayer to release the applicant on bail during the trial in Case Crime No. 217 of 2022, under Section 3/5/8 of Prevention of Cow Slaughter Act, 1955, P.S.- Jahangiranj, District - Ambedkarnagar.

It is contended by learned counsel for the applicant that the applicant is innocent and he has been falsely implicated in the present case. He further submits that applicant is not named FIR and he was not arrested on spot. He next submits that his name came into light only on the confessional statement of co-accused persons. He next added that police being inimical has planted him in the instant case and there is no substantial evidence against the applicant so as to connect him in the instant matter. He further submits that criminal history of the applicant has been explained in para 14 of the bail application.. It has also been submitted that the applicant is not involved in any anti-social activities and he is not a member of any gang. The applicant is in jail since 30.09.2022. In case he is granted bail, he will not misuse the liberty and would cooperate in the trial proceedings.

He further submits that the applicant is ready to deposit Rs.10,000/- in the accounts of Gau Seva Aayog, within a period of one month from the date of his release jail.

Per contra, learned A.G.A. opposed the prayer of bail but he could not dispute the fact that the applicant has been enlarged on bail and criminal history of the applicant has been explained aforesaid.

Having heard the learned counsel for the parties and after perusal of record, I find that applicant has been enlarged on bail

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in the case mentioned in the gang chart and some other cases depicted against the applicant in which also he has been enlarged on bail, coupled with the fact that he is languishing in jail since 30.09.2022, thus without commenting on the merits of the case, I find it a fit case for bail. Further applicant is ready to deposit Rs.10,000/- in the accounts of Gau Seva Aayog.

Let the applicant- **Saleem** involved in the aforementioned 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:-

(1) The applicant shall deposit Rs.10,000/- in account of Gau Seva Aayog within a period of one month from the date of his release from jail failing which, he shall surrender before the CJM concerned after expiry of the aforesaid period and after such surrender the CJM concerned shall send him to jail.

(2) The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;

(3) 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. He 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;

(4) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C.; and

(5) In case, the applicant misuses 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 fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be

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construed to have any reflection on the merits of the case.

Order Date :- 23.12.2022

Ujjawal