

**Court No. - 39**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 14315 of 2021

**Applicant :-** Rihan

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Shivajee Singh Sisodiya, Rakesh Pati Tiwari

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mrs. Sadhna Rani (Thakur),J.**

Heard learned counsel for the applicant, learned A.G.A. and perused the record.

It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant is meat shop license holder and on the alleged date the applicant was selling one quintal meat of buffalo. Police party wrongly shown the applicant selling the beef of cow progeny but the meat was related to buffalo. Apart from this case the applicant has criminal history of one case in which the applicant has been granted protection by this Court in Criminal Misc. Writ Petition No. 7956 of 2018. He further submits that there are no chances of applicant's fleeing away from the judicial process or tampering with the prosecution evidence, and is in jail since 4.2.2021. The co-accused - Salim has been enlarged on bail.

Learned A.G.A. opposed the prayer for bail and has submitted that if the applicant is enlarged on bail, he may misuse the liberty of bail.

Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment and submissions of the learned counsel for the parties, I am of the view that the applicant has made out a case for bail.

Let the applicant - Rihan involved in Case Crime No. 70 of 2021, under Sections 3/5/8 of the Cow Slaughter Act, P.S.- Baradari, District-Bareilly be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions;

i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

ii) The applicant shall file an undertaking to the effect that he shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C.

iii) If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

(iv) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the applicant.

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

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

The bail application is allowed.

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

The computer generated copy of such order shall be self attested by the counsel of the party concerned.

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.

**Order Date :- 2.8.2021**

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