

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13562 of 2022

Applicant :- Irfan

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No.301 of 2021 at Police Station-Babina, District-Jhansi under Sections 3/5b/8 of the U.P. Prevention of Cow Slaughter Act, 1955. The applicant is in jail since 01.02.2022.

The bail application of the applicant was rejected by learned Incharge Sessions Judge, Jhansi on 14.03.2022.

Shri Rajesh Dwivedi, learned counsel for the applicant contends that the applicant has been falsely implicated in the instant case. The applicant was not named in the F.I.R. No cow meat has been recovered from the applicant. The applicant was named in a statement of the owner of the vehicle from which the livestock was recovered. It is lastly contended that in the instant case only livestock has been seized and no prohibited cow meat was recovered. The police authorities have arbitrarily exercised their powers to arrest the applicant. Explaining the criminal history of the applicant,

learned counsel for the applicant contends that the applicant belongs to an economically weaker section of the society and has become an easy scapegoat for the police authorities. The police authorities implicated him in a number of cases to burnish their credentials. The applicant has never misused the liberty of bail granted to him in the said cases. The criminal cases do not depict commission of any heinous crime by the applicant and have no bearing on the instant case. The applicant is not a flight risk and there is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

Shri Rishi Chaddha, learned A.G.A. could not satisfactorily dispute the aforesaid submissions from the record. However, he does not contest the criminal history of the applicant as disclosed in the bail application.

I find merit in the submissions of learned counsel for the applicant and accordingly held that the applicant is entitled for interim bail.

In the light of the preceding discussion and without making any observations on the merits of the case, the applicant is liable to be released on interim bail. Let the applicant-Irfan be released on interim bail in the aforesaid case crime number on furnishing a

personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not influence any witness.

(iii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv) The applicant shall not directly or indirectly make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court to any police officer or tamper with the evidence.

In case of breach of any of the above condition, the prosecution shall be at liberty to move an application for cancellation of the interim bail before this Court.

The Senior Superintendent of Police, Jhansi shall file his personal affidavit disclosing the implicatory evidence against the applicant which necessitated his arrest.

Put up this matter on 09.05.2022 in the list of fresh cases along with Criminal Misc. Bail Application No.10022 of 2022 (Shahriyab Ali Vs. State of

U.P.).

In case the affidavit is not forthcoming on or before the next date listing, the Senior Superintendent of Police, Jhansi shall remain present before the Court.

Order Date :- 26.4.2022

Ashish Tripathi