

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 397 of 2023

Applicant :- Fuzail

Opposite Party :- State of U.P.

Counsel for Applicant :- Kaif Mohammad, Aman Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

Heard Sri Hasan Parvez holding brief of Sri Aman Kumar, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 430 of 2022, registered under Sections 323, 504, 295-A I.P.C. and Section 3, 5 of U.P. Prevention of Cow Slaughter Act, 1955, Police Station Prem Nagar, District Bareilly during pendency of the trial.

It is alleged in the FIR that applicant involved in selling of sugarcane juice, which was adulterated by beef.

Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case due to ulterior motive. Applicant is engaged in selling the sugarcane juice. The dispute arose between the parties regarding payment of money and informant implicated the applicant in the present case on concocted story. Informant lodged the FIR against the applicant. There is no FSL report of the alleged incident, which may prove the prosecution story, hence, no offence under the alleged sections is made out. The applicant is languishing in jail since 30.11.2022. In case, the applicant is released on bail, he will not misuse the liberty of bail and co-operate in trial.

Learned A.G.A. has opposed the bail prayer of the applicant.

Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and without expressing any opinion on the merits of the case and the law laid down by the Apex Court in **Satendra Kumar Antil Vs. C.B.I. & Another, S.L.P.(Crl.) No. 5191 of 2021**, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant, **Fuzail**, who is involved in the aforesaid case

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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

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.

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

Order Date :- 30.1.2023

Nitin Verma