

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34008 of 2020

Applicant :- Rahmu @ Rahmuddin

Opposite Party :- State of U.P.

Counsel for Applicant :- Onkar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Siddharth,J.

Heard Sri Onkar Singh, learned counsel for the applicant and learned A.G.A for the State.

The instant bail application has been filed on behalf of the applicants, **Rahmu @ Rahmuddin**, with a prayer to release them on bail in Case Crime No. 147 of 2020, under Section 3/5/8 U.P. Prevention of Cow Slaughter Act, 1955, Police Station- Thana Bhawan, District- Shamli, during pendency of trial.

There is no allegation against the applicant in the FIR. Counsel for the applicant has submitted that the applicant was not arrested from the spot. The offence is triable by Magistrate. The applicant has criminal history of one case to his credit and is in jail since 05.08.2020.

The offence is triable by Magistrate and maximum sentence is of 7 years. Act is being misused against innocent persons. Whenever any meat is recovered, it is normally shown as cow meat (beef) without getting it examined or analyzed by the Forensic Laboratory. In most of the cases, meat is not sent for analysis. Accused persons continue in jail for an offence that may not have been committed at all and which is triable by Magistrate Ist Class, having maximum sentence upto 7 years. Whenever cows are shown to be recovered, no proper recovery memo is prepared and one does not know where cows go after recovery. Goshalas do not accept the non-milching cows or old cows and they are left to wander on the roads. Similarly, owner of the cows after milking, leave the cows to roam on roads, to drink drainage/sewer water and eat garbage, polythene, etc. Moreover, cows and cattle on the road are menace to the traffic and number of deaths have been reported due to them. In the rural areas cattle owners who are unable to feed their live stock, abandon them. They cannot be transported outside the State for fear of locals and police. There are no pastures now. Thus, these animals wander here and there destroying the crops. Earlier, farmers were afraid of 'Neelgai' (Vanroj an antelope) now they

have to save their crops from the stray cows. Whether cows are on roads or on fields their abandonment adversely affects the society in a big way. Some way out has to be found out to keep them either in the cow shelters or with the owners, if U.P. Prevention of Cow Slaughter Act is to be implemented in letter and spirit.

Considering the material on record as well as the dictum of Apex Court in the case of Dataram Singh Vs. State of U.P. and another, reported in (2018) 3 SCC 22, larger mandate of Article 21 of the constitution of India, let the applicant involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of the court concerned, subject to the following conditions :-

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. The applicant 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;
5. In case, the applicant misuse the liberty of bail and in order to secure their 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, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.
6. 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. If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of his bail and proceed against him in accordance with law.
7. 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.

8. 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.

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

10. 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 :- 19.10.2020

Rohit