

**Court No. - 79**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 2699 of 2022

**Applicant :-** Sajid @ Kale

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

**Counsel for Applicant :-** Deepak Kumar

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

**Hon'ble Mohd. Faiz Alam Khan,J.**

Heard Shri Deepak Kumar, the learned counsel for the accused/applicant as well as learned A.G.A. for the State and perused the record.

This bail application has been moved by the accused/applicant-Sajid @ Kale for grant of bail, in Case Crime No. 347 of 2021, under Section 3/5/8 Cow Slaughter Act, Police Station Nahtaur, District Bijnor, during trial.

Learned counsel for the accused-applicant while pressing the bail application submits that the accused-applicant has falsely been implicated in the instant case and he has not committed any offence as claimed by the prosecution nor he was arrested from the spot and nothing incriminating has been recovered from his possession or his pointing out.

It is further submitted that the name of the applicant has surfaced in the confessional statement of co-accused Vaseem who has been arrested with incriminating flesh of 200 Kg. and other incriminating material. However, co-accused Vaseem has already been released on bail by a Coordinate Bench of this Court, vide order dated 10.02.2022 passed in CRIMINAL MISC. BAIL APPLICATION No. - 53606 of 2021.

It is further submitted that other co-accused standing on the identical footing, namely, Mohd. Aasif has also been released on bail by a Coordinate Bench of this Court, vide order dated 10.02.2022 passed in CRIMINAL MISC. BAIL APPLICATION No. - 3720 of 2022. The applicant is in jail in this case since 29.11.2021. Charge sheet has already been filed in this case and the criminal history of 7 cases has been adequately explained through supplementary affidavit and in paragraph 7 of bail application and in all those cases, he has been released on bail by the competent courts.

Learned A.G.A., on the other submits that the applicant is habitual offender of the heinous offences and therefore he is not entitled to be released on bail.

Having heard learned counsel for the parties and having perused the record, it is evident that co-accused persons, namely, Vaseem who was arrested with 200 Kg. prohibited flesh and other incriminating material, has been granted bail by a Coordinate Bench of this Court and other co-accused Aasif has also been granted facility of bail. Criminal history of the applicant has been adequately explained and the offences charged against the applicant are triable by the Magistrate. He is in jail in this case since 29.11.2021. Charge sheet has also been filed.

Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits and demerits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is allowed.

Let applicant- Sajid @ Kale involved in the aforesaid case be released on bail on furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

- (i) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.
- (ii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.
- (iii) 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.

Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

Observations made herein-above are only for the purpose of disposal of bail application and the same shall not have any bearing on the trial of the case.

**Order Date :- 21.3.2022**

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