

Court No. - 62

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39881 of 2018

Applicant :- Mujibur Rahman

Opposite Party :- State Of U.P.

Counsel for Applicant :- Santosh Kumar Singh, Pavan Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Kumar Singh, J.

Heard learned counsel for the applicant and Sri Abhinav Prasad, learned A.G.A. for the State.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case on account of enmity. There is no independent witness of the alleged incident. It is further submitted that nothing has been recovered from the possession of the applicant and a false recovery has been shown from the joint possession of the applicant and one another co-accused, is planted. There are no reported criminal antecedents against the applicant. The applicant is in jail since 14.09.2018.

Keeping in view the nature of submissions advanced, the applicant is entitled for bail.

Let, the applicant ***Mujibur Rahman*** involved in Case Crime No. 0312 of 2018, under Section 3/5/8 Cow Slaughter Act, 1955, Police Station Nagina, District- Bijor be enlarged on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of magistrate/court concerned, with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) 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.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his 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.

(iv) 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 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.

In case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail.

Order Date :- 30.11.2018

Arti