

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7381 of 2019

Applicant :- Javed Kuraishi

Opposite Party :- State Of U.P.

Counsel for Applicant :- Radhey Shyam Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Kumar Singh,J.

Heard Sri Radhey Shyam Yadav, 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 due to ulterior motive. It is further submitted that the applicant has no concern with the alleged incident and no incriminating article has been recovered from the possession or on the pointing out of the applicant. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused has also been touched upon at length. It has been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required. It has also been submitted that the applicant is languishing in jail since 21.12.2018. It has been pointed out that the applicant has no criminal history.

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

Let, the applicant-**Javed Kuraishi** involved in Case Crime No.456 of 2018, under Section 353, 429 I.P.C & Section 7 Criminal Law Amendment Act and 3/5/8 Cow Slaughter Act, Police Station-Kamalganj, District-Farrukhabad be enlarged on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the 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.

Order Date :- 28.2.2019

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