

Court No. - 34

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 27196 of 2022

Applicant :- Noor Alam

Opposite Party :- State of U.P.

Counsel for Applicant :- Janardan Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The accused- applicant Noor Alam, is involved in Case Crime No.134 of 2022, under Sections 307, 34 I.P.C. and 3/5/8 of Cow Slaughter Act, Police Station Phoolpur, District- Azamgarh.

It is argued by the learned counsel for the applicant that police apprehended three persons on 01.05.2022. From the joint possession of the applicant and Jorar Ahmad 50 kg beef is alleged to have been recovered. As per paragraph 12 of the affidavit filed in support of the bail application, the applicant has no criminal history. Co-accused Jorar Ahmad, having same role, has been granted bail by the co-ordinate Bench of this Court. The applicant is languishing in jail since 01.05.2022 and in case he is enlarged on bail he will not misuse the liberty of bail. Hence, bail has been prayed for.

Learned A.G.A. has opposed the bail application and submitted that one country made pistol of 315 bore has been recovered from the applicant. There is allegation of Section 307 IPC against him. Hence, the bail is opposed.

From the perusal of record, it is found that when police apprehended three persons on two motorcycles, the applicant was apprehended with co-accused Jorar Ahmad riding on one motorcycle. 50 kg beef is said to have been recovered from motorcycle. Regarding, offence under Section 307 I.P.C., it is a no injury case. Co-accused Jorar Ahmad, having similar role, has been granted bail by this Court.

Having heard the submissions of learned counsel of both the parties, considering the seriousness of the charge and the severity of punishment in case of conviction and the nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment, and larger mandate of the Article 21 of the Constitution of India, the dictum of Apex Court in the case of **Dataram Singh v. State of**

U.P. and another, reported in (2018) 2 SCC 22 and without expressing any opinion on the merit of the case, I find it to be a case of bail.

Let the applicant, **Noor Alam**, who is involved in aforesaid 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.

1. The applicant will attend and co-operate in the trial pending before the court concerned on the dates fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge himself in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

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

Order Date :- 30.6.2022

Radhika