

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 18682 of 2022

Applicant :- Sonu Kasai

Opposite Party :- State of U.P.

Counsel for Applicant :- Santosh Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Supplementary affidavit filed in the Court today is taken on record.

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

On a query being put, learned AGA submitted that he has complete instructions in the matter, as such, this Court proceeded to hear the application for grant of bail on merits.

The present bail application has been filed on behalf of the applicant with the prayer to enlarge him on bail in Case Crime No. 72 of 2022, under Section 3/5/8 of Cow Slaughter Act, Police Station Sector-58, District Gautambudh Nagar.

The submissions of learned counsel for the applicant are that the applicant is innocent person and has been falsely implicated in the case. The applicant is in jail since 22.03.2022 and the possibility of conclusion of trial in near future is very bleak.

Learned counsel for the applicant submits that the recovery from the possession of the applicant is planted one, as there is no independent public witness so as to support the story of prosecution. FSL Report is awaited till date, which is required to prove that the alleged recovered meat is of beef. On the basis of single arrest, the applicant has been implicated in five cases. The criminal history of the applicant has been explained in para 2 of the supplementary affidavit, which has not been disputed by the learned AGA. As such, the applicant is entitled to be released on bail. It is also submitted that the applicants will never misuse the liberty of bail and shall fully cooperate with the prosecution. It is further submitted that co-accused namely Rashid and Suraj Prakash and Asim @ Hasim have already been released on bail by this Court vide orders dated 09.05.2022 and 31.03.2022 passed in Criminal Misc. Bail Application Nos. 16253 of 2022 and 12436 of 2022 respectively.

Based upon the instructions received from the applicant it is also stated that the applicant is animal lover including the cow and its progeny and he often donates money to cow shelters (gaushalas) and the applicant would donate Rs. 25,000/- to **U.P. Gosewa Ayog** within four weeks from the date of release from jail.

Learned A.G.A., on the basis of instructions, opposed the prayer for grant of bail to the applicant. However, he could not dispute the aforesaid aspects of the case including the fact that co-accused have already been released on bail.

Considering the rival submissions of learned counsel for parties, material available on record, as well as totality of facts and circumstances and keeping in mind that there is no public independent witness and FSL report is still awaited as also that co-accused have already been released on bail and without expressing any opinion on the merits of the case, I am of the view that the applicants are entitled to be released on bail.

Let applicants- **Sonu Kasai** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to 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 misuse the liberty of bail and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant(s) fail(s) 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;

(vi) 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; and

(v) In addition to above, as per above statement, the applicant shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) in 'U.P. Gosewa Ayog, Lucknow' within four weeks from the date of his release from jail and, file receipt thereof in the trial Court; in case the accused-applicant fails to deposit the amount this order, granting him bail, shall be treated to have been cancelled and, he shall be taken into custody forthwith.

Order Date :- 20.5.2022

Vinay/-