

# Nasimudeen @ Naseemu vs State Of U.P. on 31 January, 2025

**Author: Rajiv Gupta**

**Bench: Rajiv Gupta**

HIGH COURT OF JUDICATURE AT ALLAHABAD

Neutral Citation No. - 2025:AHC:14626

Court No. - 46

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 52537 of 2023

Applicant :- Nasimudeen @ Naseemu

Opposite Party :- State of U.P.

Counsel for Applicant :- Anuj Kumar Sharma, Syed Wajid Ali

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. This bail application has been filed by the applicant seeking bail in Case Crime No. 1497 of 2017, under Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act, Police Station Khatauli, District Muzaffar Nagar.
3. Learned counsel for the applicant has submitted that the applicant is wholly innocent and has been falsely implicated in the present case due to ulterior motive.
4. Learned counsel for the applicant has next submitted that in the instant case there were as many as 13 accused persons, out of which, 11 co-accused persons have already been granted bail by this

Court.

5. Learned counsel for the applicant has next submitted that in the instant case though the applicant has surrendered on 01.11.2023 and is incarcerated in jail for more than one year, however, till date charges have not yet been framed against him. The criminal history of the applicant has been explained in paragraph 2 of the supplementary affidavit.

6. Learned counsel for the applicant has next submitted that since the charges have not yet been framed and there are very bleak chances of trial being concluded in near future due to very heavy dockets, as such, the applicant be released on bail.

7. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts and the fact that the applicant is in jail since 01.11.2023 and till date charges have not yet been framed against him and as such, the trial has not commenced.

8. Having considered the rival submissions made by learned counsel for the parties and taking into consideration the fact that in the instant case 11 other co-accused persons have already been granted bail by this Court and though the applicant is in jail since 01.11.2023, however, till date charges have not yet been framed and the trial has not yet commenced. The criminal history of the applicant has been explained in paragraph 2 of the supplementary affidavit. In the facts and circumstances of the case, the chances of trial being concluded in near future is very bleak due to heavy dockets, as such, I am of the considered opinion that the applicant has made out a case for bail.

9. Let the applicant Nasimudeen @ Naseemu be released on bail in the aforesaid case crime number on furnishing a personal bond and two heavy sureties of the like amount to the satisfaction of the court concerned subject to 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 IPC.

(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 IPC.

(iv). The applicant shall remain present, in person, before the trial court on the dates fixed for (a) framing of charge and (b) recording of the 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.

10. 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.
11. It is further directed that the identity, status and residence proof of the sureties be verified by the authorities concerned before they are accepted.
12. In case of breach of any of the above conditions, the trial court will be at liberty to cancel the bail.
13. The bail application is accordingly allowed.
14. Office is directed to send a soft copy of this bail order by e-mail to the applicant through the Jail Superintendent concerned.

Order Date :- 31.1.2025 Subham