

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 29967 of 2023

Applicant :- Santosh Ram

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashish Kumar Chaurasiya

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant; learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.51 of 2022, under Sections 419, 420, 465 IPC and Section 3/5-A/8 of the U.P. Prevention of Cow Slaughter Act and Section 11 of Animal Cruelty Act, Police Station Raipur, District Sonbhadra, during the pendency of trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. At the time of incident, the vehicle was not plied by the applicant though he has owner of the said vehicle. He further contended that in this case the applicant has been made accused only on account of his being owner of the alleged vehicle except that there is no evidence on record to make him accused. The applicant is not named in the FIR and also he was not arrested on the spot. The animals were not recovered from the possession of the applicant. There is no public witness and there is no compliance of Section 100 Cr.P.C. It is further contended that co-accused, namely, Bhagwan Singh Yadav has already been enlarged on bail by the Sessions Judge, Sonbhadra vide order dated 08.11.2023 in Bail Application No.2548 of 2023 and the said bail order is placed on record. There is no likelihood of abscondence or tampering with the evidence. He is in jail since 02.06.2023 and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the submissions made but without commenting

on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Santosh Ram** involved in the aforesaid case 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 the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 16.11.2023

I.A.Siddiqui