

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34581 of 2023

Applicant :- Gaurav

Opposite Party :- State of U.P.

Counsel for Applicant :- Raj Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 148 of 2023, under Sections 429, 436 I.P.C. and Sections 3/8 Prevention of Cow Slaughter Act, 1955 (U.P.) and Section 11 of Animals Cruelty Adhinyam, Police Station Bharthana, District-Etawah, during the pendency of the trial.
3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The applicant and the informant are real brothers, however, due to some dispute, this false F.I.R. has been lodged by the informant. There is no independent witness of the alleged incident. As a matter of fact the cows died due to fire caused by high electric wire. The applicant is in jail since 10.05.2023, having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.
4. Learned A.G.A. 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, I am of the opinion that the applicant is entitled to be enlarged on bail.
6. Let the applicant- **Gaurav**, involved in 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.

(iv) shall appear before the concerned S.H.O. on any day of the first week of every month till the further order of the trial Court.

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 :- 24.11.2023

S.Verma