

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41549 of 2023

Applicant :- Ganesh Yadav Alias Manish Yadav Alias Mintu Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Hiralal

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,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 a prayer to enlarge the applicant on bail in Case Crime No. 126 of 2023, under Sections 3/5A/5B/8 Cow Slaughter Act, Section 11 of Animals Cruelty Act and Section 429 I.P.C., Police Station- Mughalsarai, District- Chandauli during pendency of the trial.
3. Counsel for the applicant submits that the applicant was not named in the first information report and was not arrested at the spot. He has been falsely implicated in the instant case. The name of the applicant was disclosed by the owner of the vehicle Guddu Kumar. The said statement, insofar as it implicates the applicant, is unreliable. The applicant has no concern with the alleged incident. The criminal history of the applicant has been explained in para 6 of the supplementary affidavit. The applicant is in jail since 28.6.2023. 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 heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information report and was not arrested at the spot. At this stage there is no substantive evidence against the applicant. Further the applicant has presently remained confined for more than three months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, Ganesh Yadav Alias Manish Yadav Alias Mintu Yadav involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not tamper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by 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 :- 19.10.2023
S.S.