

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42954 of 2023

Applicant :- Kailash Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Singh Baish

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Learned counsel for the applicant has filed two supplementary affidavits today in Court, which have been taken on record.
2. Heard Sri Rajesh Singh Baish, learned counsel for the applicant, learned AGA for the State-opposite party and perused the record.
3. The instant bail application, under Section 439 Cr.P.C, 1973, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 186 of 2023, under Sections 3 (1) U.P. Gangster Act and Anti Social Activities(Prevention) Act, 1986, Police Station- Gopiganj, District Bhadohi, during the pendency of trial.
4. Counsel for the applicant submitted that the accused-applicant has been falsely implicated in one case crime no. 186 of 2023 under Sections 3/5-A/8 of the Cow Slaughter Act and Section 11 Animal Cruelty Act and has been granted bail by the court below and the criminal history in another case has been explained in supplementary affidavits, which have been filed today.,
7. It is next contended that the co-accused- Sunil Kumar Gautam, Ram Kailash Yadav, Sanjay Yadav, and Tilakraj Yadav, having identical role, have been granted bail by the Coordinate Benches of this Court in **Criminal Misc. Bail Application Nos. 40090 of 2023, 3175 of 2019 and 38604 of 2023, vide orders dated 10.10.2023, 22.05.2019 and 16.10.2023** respectively. Copies of the bail orders have been annexed as SA-1 to the supplementary affidavits supported with the application. The applicant claims parity. The applicant is in jail since **18.09.2023**. In case, he is enlarged on bail, he will not misuse the said liberty.
8. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
9. 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.
10. Let the applicant- **Kailash Yadav**, involved in the aforesaid case crime 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.

11. 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 :- 28.10.2023

Vinod.