Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44281 of 2023

Applicant :- Aman Kumar @ Pappu
Opposite Party :- State of U.P.
Counsel for Applicant :- Rajesh Kumar Yadav
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. 37 of 2023, under Section 3/5A/5B/8 of U.P. Prevention of Cow Slaughter Act and Section 11 Animal Cruelty Act and Sections 429, 419, 420 I.P.C., Police Station- Alinagar, District-Chandauli during pendency of the trial.

3. Counsel for the applicant submits that the applicant was not arrested at the spot. The applicant being the owner of the truck has been falsely implicated in the instant case. It is contended that the said vehicle was given on rent to another person. The applicant had no concern with the live stock being recovered from the said vehicle. The alleged recovery is false and planted. There is no independent witness to the alleged recovery. Prior to the instant case the applicant does not have criminal history, however after his arrested he has implicated in another case. The applicant is in jail since 31.5.2023. 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 arrested at the spot. There is no independent witness to the alleged recovery. Further the applicant has presently remained confined for more than four 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, Aman Kumar @ Pappu 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 :- 18.10.2023
S.S.

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad