

**Court No. - 74**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 45145 of 2023

**Applicant :-** Vijay Kumar Singh

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Ratnesh Kumar Jaiswal

**Counsel for Opposite Party :-** G.A.

**Hon'ble Vivek Varma,J.**

1. Heard counsel for the applicant and Sri Rupak Chaubey, learned AGA for the State-opposite party.
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. 199 of 2023, under Sections 3/5A/8 of Cow Slaughter Act and Section 11 of Animal Cruelty Act, Police Station- Haliya, District- Mirzapur, during the pendency of trial.
3. Counsel for the applicant submitted that the applicant was not named in the first information report. The applicant was not arrested at the spot and has been falsely implicated in the present case. False recovery of live stock has been shown from the applicant. There is no independent witness to the alleged recovery. No cow meat was recovered from the possession of the applicant. It is next contended that the co-accused, Dayaram Kaul, who was arrested at the spot, has been granted bail by the Court of District & Session Judge, Mirzapur in Bail Application No. 1943 of 2023 vide order dated 27.09.2023. The applicant is in jail since 24.09.2023, having no criminal history 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 heard counsel for the parties and having perused the record this Court prima facie finds that the applicant was neither named in the first information report nor was arrested at the spot. There is no independent witness to the alleged recovery. The co-accused, Dayaram Kaul has been granted bail by the trial court. Further, the applicant has no criminal antecedents and has remained confined for more than one month and after submission of the charge-sheet 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 delay the trial or intimidate the witness, 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 **Vijay Kumar Singh**, 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; and,
- (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 :- 8.11.2023**  
Sachin Mishra