

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46139 of 2023

Applicant :- Mahendra And 2 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Yadvesh Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicants, learned AGA and perused the record.

2. The accused-applicants seek bail in Case Crime No. 54 of 2023, under section 3/5A/8 U.P. Prevention of Cow Slaughter Act and section 11 Prevention of Cruelty to Animals Act, P.S. Chakarghatta, district-Chandauli.

3. It is argued that the applicants has been falsely implicated in the case and nothing incriminating has been recovered from the possession of the applicants. It is also argued that there is no independent or public witness of the alleged recovery. It is further argued that there are no chances of the applicants of fleeing away from the judicial process or tampering with the prosecution evidence. It is next contended by the learned counsel for the applicants that the applicants if enlarged on bail will not misuse the liberty of bail. The applicants are in jail since 01.10.2023.

4. Learned A.G.A. has opposed the prayer for bail, but could not dispute the aforesaid facts.

5. Considering the facts and circumstances of the case and also perusing the material on record, without expressing any opinion on the merit of the case, the applicants are entitled for the bail. Thus the bail application is allowed.

6. Let the applicants **Mahendra, Sushil and Chhotey Lal** be released on bail in aforesaid first information report subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- each with the following conditions:

(a) The applicants shall execute a bond to undertake to attend the hearings;

(b) The applicants shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 1.11.2023

Faridul