

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47740 of 2023

Applicant :- Neeraj Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Sudarshan Singh

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. 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. 91 of 2023, under Sections 3/5A/5B/8 of Cow Slaughter (Prevention) Act and under Section 11 of Animals Cruelty Act, Police Station- Kandwa, District- Chandauli during pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the instant case. False recovery of live stock has been shown from a pick up vehicle. There is no independent witness to the alleged recovery. The applicant is not the owner of the said vehicle. It is next contended that the identically placed co-accused Shailendra Alias Sanni Kumar has been granted bail by this Court vide order dated 1.11.2023 passed in Criminal Misc. Bail Application No. 46128 of 2023. The applicant is in jail since 05.10.2023, having no criminal history. 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 facts from the record.

5. Having heard learned counsel for the parties and having perused the record this Court prima facie finds that there is no independent witness to the alleged recovery. At present, there is not substantive evidence against the applicant. Identically placed co-accused Shailendra Alias Sanni Kumar has been granted bail by this 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, **Neeraj 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 temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness; and,
- 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 :- 8.11.2023
S.S.