

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49471 of 2023

Applicant :- Bharat Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Jagadish Prasad Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The accused-applicant seek bail in Case Crime No.268 of 2023 under section 3/5-A/8 U.P. Cow Slaughter Act and section 11(1)(F) Prevention of Cruelty to Animals Act and Section 4/25 Arms Act, P.S. Saraimeer, District Azamgarh.
3. It is argued that the applicant has been falsely implicated in the case. It is also argued that the applicant is neither the owner of the alleged vehicle nor the driver of the vehicle, there is no independent witness of the alleged recovery. With respect to criminal history, it is argued that the applicant is on bail in the cases shown against him. It is next argued that there are no chances of the applicant of fleeing away from the judicial process or tampering with the prosecution evidence. It is next contended by the learned counsel for the applicant that the applicant if enlarged on bail will not misuse the liberty of bail. The applicant is in jail since 09.10.2023.
4. Learned A.G.A. has opposed the prayer for bail, but could not dispute the aforesaid facts.
5. Considering the fact that the applicant is not the owner of the vehicle nor driver of the vehicle in question coupled with the fact that the applicant is on bail in the cases shown against him and there is nothing on record to demonstrate that the applicant if enlarged on bail can adversely affect the trial, the applicant is entitled for the bail. Thus the bail application is allowed.
6. Let the applicant **Bharat Yadav** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- each with the following conditions:

- (a) The applicant shall execute a bond to undertake to attend the hearings;
- (b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and
- (c) The applicant 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 21.11.2023

VNP/-