

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48288 of 2023

Applicant :- Ram Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Raj Kiran Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Prashnt Pratap Rai holding of Sri Raj Kiran Chaudhary, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 156 of 2023, under Sections 3/5A/8 Cow Slaughter Act and 11 Animal Cruelty Act, Police Station Trilokpur, District Siddharth Nagar, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. Learned counsel for the applicant further stated that the applicant is not named in F.I.R. and he was not arrested on the spot. He has further stated that the applicant has a criminal history of two cases and he has been enlarged on bail in the two cases, which has been explained in paragraph 15 of the affidavit accompanying the bail application. The copy of the bail orders have been filed as Annexure- 4 and 5 to the affidavit. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. The applicant is languishing in jail since 11.09.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Learned A.G.A. has vehemently opposed the bail application.
7. Considering the facts and circumstances of the case,

submissions made by learned counsel for the parties, the evidence on record, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

8. Let the applicant- **Ram Kumar** who is involved in aforementioned 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 following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with evidence.

(ii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

Order Date :- 9.11.2023

Manoj