

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49093 of 2023

Applicant :- Gaurav Gangwar

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ashwani Kumar Sachan, Saurabh Sachan

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma, J.

1. Heard learned Counsel for the applicant and Sri Neeraj Kumar Sharma, learned A.G.A. for the State.
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. 280 of 2023, under Sections 3/5/8 of U.P. Prevention of Cow Slaughter Act, Police Station Sheeshgarh, District Bareilly, during the pendency of trial.
3. Counsel for the applicant submits that the applicant was not arrested at the spot and has been falsely implicated in the instant case. The name of the applicant was disclosed by co-accused Afzal @ Chhote and Liyakat, who were arrested at the spot. The said statements, insofar as it implicate the applicant, are unreliable. No recovery of any incriminating article or cow meat has been made from the applicant. The applicant is in jail since 05.10.2023 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 not arrested at the spot. No incriminating article or prohibited cow meat was recovered from the applicant. The applicant has no criminal antecedents. The applicant has remained confined for more than a 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 the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.
6. Let the applicant **Gaurav Gangwar** involved in the aforesaid case 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 :- 20.11.2023

Lbm/-