

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49356 of 2023

Applicant :- Vinay Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Shailendra Kumar Rai

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Shailendra Kumar Rai, learned counsel for the applicant, learned A.G.A. for the State and perused the records.

2. The instant bail application, has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 155 of 2023, under Sections 3/5-A/5-B/8 of the U.P. Prevention of Cow Slaughter Act and Section 11 of Prevention of Cruelty of Animals Act, Police Station- Sakaldeeha, District- Chandauli, during pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case by the Police. It is case of transportation of cows. The applicant was neither the owner nor Driver of the alleged vehicle. It is further contended that neither any weapon to kill the cows nor any beef was recovered from the possession of the applicant. It is next contended that the co-accused- Sujit Kumar having identical role, has been granted bail by Co-ordinate Bench of this Court in ***Criminal Misc. Anticipatory Bail Application U/s 438 Cr.P.C. No. 13218 of 2023*** vide order dated 01.12.2023. Learned counsel for the applicant has produced a copy of the said order, which are taken on record. The applicant claim parity. The applicant has no criminal history, he is in jail since 29.09.2023, 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 submissions from the record.

5. Having regard to the submissions made but 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, **Vinay Kumar**, 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;
- 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 :- 5.12.2023

Vinod.