

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49436 of 2023

Applicant :- Akbal

Opposite Party :- State of U.P.

Counsel for Applicant :- Ramkripal Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Ramkripal Yadav learned counsel for the applicant, learned AGA for the State and perused the record.
2. By means of this bail application, applicant seeks bail in Case Crime No.299 of 2023, under Sections 3/5A/5B/8 U.P. Prevention of Cow Slaughter Act, section 11 of Animal Cruelty Act and section 429 IPC, Police Station Ali Nagar, District Chandauli, during the pendency of trial.
3. It is submitted by learned counsel for the applicant that the applicant is driver of the vehicle. There is no criminal history of the applicant. It is next contended that it is case of maximum cruelty act and not Cow Slaughter Act, as the 23 animals were kept in DCM vehicle which was plied by the applicant and out of which two animals, one was cow and another was bull were found dead but they were not slaughtered.
4. Considering the facts and circumstances of the case, it is a case of transportation and there is no criminal antecedent against the credit of the applicant. The applicant is in jail since 02.10.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.
5. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.
7. Let the applicant - **Akbal**, involved in the aforesaid 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 the conditions that he:

(i) shall appear before the SHO of the police station concerned in the first week of each month to show his good behaviour and the SHO concerned shall maintain a register in this regard and the same shall be handed over in the court at the time of conclusion of trial.

ii) shall appear on the date fixed by the trial court;

(iii) shall not tamper with the prosecution evidence;

(iv) shall not pressurize the prosecution witnesses.

8. 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 :- 12.12.2023

RPD