

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6137 of 2023

Applicant :- Mauli And 2 Others

Opposite Party :- State Of U.P. Thru. Secy. Home Lko.

Counsel for Applicant :- Brijesh Kumar, Amit Kumar
Awasthi, Mool Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur), J.

1. Counter affidavit filed by learned A.G.A. for the State today in Court, is taken on record.
2. Heard learned Counsel for the applicants as well as learned A.G.A. and perused the record.
3. The accused- applicants are involved in Range Case No. 18/2012-2013, under Sections 9, 27, 35 (6), 51 (1) of the Wild Life Protection Act and Section 26 of the Indian Forest Act, Range Bankati, District Lakhimpur Kheri.
4. It is argued by learned counsel for applicants that the applicants have committed no wrong. They have been falsely implicated in this case on the basis of enmity with Gram Pradhan. The offence is triable by the court of Magistrate. The punishment mentioned for the offence in the law is less than seven years. The applicants are said to be languishing in jail since 08.02.2023. Regarding criminal history, it is submitted that applicant no. 1 Mauli is having criminal history of nine cases. Out of nine cases, he is on bail in seven cases. Applicant no. 2 Badana is having criminal history of 14 cases to his credit and out of these 14 cases, in 11 cases he is on bail and applicant no. 3 Ram Bahadur is having criminal history 24 cases and out of these 24 cases, he is on bail in 17 cases. All the bail orders

are said to be appended with the paper book and the supplementary affidavit.

5. Learned A.G.A. opposed the prayer for the bail of the applicant and submitted that the applicants are habitual criminals, who are repeatedly committing same crimes, which is clear from the criminal history of the applicants.

6. However, from the perusal of the record, it is found that the offences in which the applicants have been implicated are triable by the court of Magistrate wherein the prescribed punishment is less than seven years of imprisonment. The applicants are languishing in jail since 08.02.2023.

7. Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a case of bail.

8. The bail application is allowed.

9. Let the applicants Mauli, Badana and Ram Bahadur, who are involved in aforesaid Range Case number be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicants will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.

2. They will not tamper with the witnesses.

3. They will not indulge in any illegal activities during the bail period.

10. The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel

the bail and send the applicants to the prison.

11. It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 12.12.2023

Virendra