

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1486 of 2021

Applicant :- Raj Kumar @ Kaliya @ Chhotkau

Opposite Party :- State of U.P.

Counsel for Applicant :- Gyanendra Pathak, Pawan Kumar Sharma, Shreesh Kumar Mishra Atal

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Pawan Kumar Sharma, learned counsel for the applicant, Sri Manish Kumar Pandey, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Range Case No.16/2020-21, under Sections 9, 27, 29, 31, 39, 44, 48A, 49B, 51 and 52 of Wildlife Protection Act, registered at Range Motipur, District Bahraich.
3. The aforesaid case has been registered on the basis of a complaint lodged by a Forest Guard on 23.08.2020 stating that the applicant was apprehended from a reserve forest and an axe and two horns of *cheetal* were recovered from his possession.
4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, and he has been falsely implicated in the present case.
5. The State has filed a counter affidavit opposing the bail application and it has been stated in the counter affidavit that the applicant is involved in a total of 20 criminal cases of similar nature.
6. A rejoinder affidavit has been filed on behalf of the applicant stating that the applicant has been summoned in one case only, in which he has been convicted on the basis of his confessional statement and has been punished with fine only.

7. A supplementary affidavit has been filed on behalf of the applicant annexing therewith a copy of questionnaire issued by the trial court indicating that even charges have not been framed by the trial court till date.

8. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been languishing in jail since 23.08.2020 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

10. Accordingly, this bail application stands **allowed**.

11. Let the **applicant-Raj Kumar @ Kaliya @ Chhotkau** be released on bail in aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 26.10.2023
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