

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7582 of 2022

Applicant :- Saleem

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

Counsel for Applicant :- Sanjay Singh Chauhan, Alok Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

01. Heard Shri Sanjay Singh Chauhan, learned counsel for applicant and learned A.G.A. for the State.

02. The present bail application has been filed by the applicant seeking bail in Range Case No.36/2007-08, under Sections 2/27/31/35(6)/39/51(1) W.L.P. Act, Range Belrayan, District Lakhimpur Khiri.

03. As per prosecution case, the applicant was found to have been involved in illegal felling of trees of saal in Dudhuwa Tiger Reserved (National Park), Lakhimpur Kheri. A team of forest officers found the applicant carrying away logs of saal trees on bicycles. When the officers tried to apprehend him, he indulged in indiscriminate firing and fled away. Some cutting instruments and freshly cut pieces of trees were found. Deputy Director, Dudhuwa Tiger Reserved, Prabhag Paliya, Lakhimpur Kheri lodged a complaint and the matter is pending.

04. It is contended on behalf of the applicant that he has been falsely implicated in this case. He was not apprehended on the spot. Complainant has deliberately dragged his name taking advantage of his criminal history. The applicant is in judicial custody since 10.03.2022 i.e. last more than one and half years. The offence is triable by Magistrate and is punishable with maximum term of three years only. He has undergone half of maximum sentence awardable.

05. The application for bail is opposed by learned A.G.A. highlighting the fact that the applicant has already 30 cases of same nature. However, it is conceded that maximum term of punishment is three years and that the applicant has been in custody since 10.03.2022 i.e. last more than one and half years.

06. I considered nature of the allegations, role ascribed to the applicant, the evidence proposed, the severity of punishment and all other facts and circumstances of the case. In my view, a case for bail is made out.

07. Let applicant - **Saleem** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) framing of charge and (ii) recording of statement under Section 313 Cr.P.C. without exception.

08. Any violation of above conditions will be treated as misuse of bail and learned Court below will be at liberty to pass appropriate order.

09. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 17.11.2023

Asha