

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7247
of 2023

Applicant :- Ram Bahadur

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

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

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Amit Kumar Awasthi, learned counsel for the applicant, Sri Akhilesh Kumar Vyas, 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.1/2012-13, under Sections 9, 27, 35 (6), 51 (1) of Wild Life Protection Act, registered at Range Bankati, District Lakhimpur Kheri.
3. The aforesaid case has been registered on the basis of a complaint lodged on 12.10.2012 against 49 persons, including the applicant stating that on 12.05.2012 a report was submitted by a Wildlife Guard stating that numerous persons riding on several hundreds of dunlaps (an improvised mechanical trolley) were driving to enter reserved forest. The forest officials tried to refrain them to do so but they entered the forest and took away dried and fallen trees.
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. The applicant's involvement in 24 other cases of similar nature has been disclosed in para 18 of the affidavit filed in support of the bail application, in 17 of which the applicant has been granted bail.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant's name is not mentioned in the report dated 12.05.2012 submitted by the Wildlife Guard which formed the basis of lodging of the complaint; that the complaint does not make any specific allegation against the applicant; that the applicant is languishing in jail since 08.02.2023 and that the offence alleged carries a maximum punishment of imprisonment up to three years 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.

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

8. Let the **applicant-Ram Bahadur** be released on bail in the aforesaid 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.

9. As the applicant has been granted bail in the present case, the application for short term bail (Crl. Misc. Application No.IA4/23) filed on his behalf is rejected as infructuous.

(Subhash Vidyarthi, J.)

Order Date :- 17.11.2023

Ram.