

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11771 of 2023

Applicant :- Rajendra Maurya @ Mandal @ Bhandal

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

Counsel for Applicant :- Uma Kant

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. The instant application has been filed by the applicant seeking bail in Range Case No. 04/2022-23, under Sections 9/51 (1), 27/51 (1), 31/51 (1) of Wild Life Protection Act, 1972 and Section 26 Indian Forest Act, 1927, registered at Range Belrayan, District Kheri .

2. The aforesaid case has been registered on the basis of an F.I.R. lodged on 19.09.2022 against five persons, including the applicant, alleging that they had entered the forest area carrying a gun and other weapons. The applicant was arrested on 18.06.2023 and in his custodial statement, he stated that the accused persons had killed a spotted deer.

3. Besides the aforesaid custodial statements of the applicant, there is no evidence of a deer having been killed by the accused persons. The offences alleged carry a maximum punishment of imprisonment upto three years.

4. In the affidavit filed in support of the bail application it has been contended that the applicant is innocent and he has falsely been implicated in the present case.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter. The applicant's involvement in another case bearing Range Case No.05 of 2022, under Sections 09/51 (1), 27/51 (1), 31/51 (1-c) of Wildlife Protection Act and Section 26 of Indian Forest Act, Range Belrayan, District Kheri has been explained in para 14 of the affidavit filed in support of the application.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that that besides the custodial confessional statement of the applicant, there is no other evidence of a deer having been killed and that the

offences carry a maximum punishment of imprisonment upto three years; that a co-accused Pappu Ali has already been granted anticipatory bail in the present case by this court by means of an order dated 05.09.2023, passed in Criminal Misc. Anticipatory Bail Application U/s 438 Cr.P.C. No.1935 of 2023 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-Rajendra Maurya @ Mandal @ Bhandal** 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.

(Subhash Vidyarthi, J.)

Order Date :- 30.10.2023

Ram.