

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13356 of 2023

Applicant :- Pramod And 2 Others

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

Counsel for Applicant :- Surya Prakash, Monika Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Surya Prakash, learned counsel for the applicants, Sri Jayant Singh Tomar, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Range Case No. 19/2023-24, under Sections 26, 41/42 Indian Forest Act and Section 7/55(2) of the Biological Diversity Act, 2002, Range Dhaurahra, District Lakhimpur Kheri.

3. The aforesaid case has been registered on the basis of a complaint alleging that the accused person had fell some trees.

4. In the affidavit filed in support of the application, it has been stated that the applicants are innocent and they have no criminal history.

5. The learned counsel for the applicant has submitted that the offence alleged carry a maximum punishment of imprisonment for a period of 3 years and the applicants have been languishing in jail since 03.10.2023. Co-accused Ram Lakhan has been granted bail by this Court by means of the order dated 03.11.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.12846 of 2023.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the mandate of the Hon'ble Supreme Court in the case of **Satender Kumar Antil v CBI** (2022) 10 SCC 51, I am of the

view that the applicants are entitled to be released on bail in the aforesaid case.

8. Accordingly, this bail application stands allowed.

9. Let the applicants-Pramod, Ramadhar, Vidyanath 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 applicants shall not tamper with the prosecution evidence;

(ii) the applicants shall not pressurize the prosecution witnesses;

(iii) the applicants shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 8.11.2023

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