

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13731 of 2023

Applicant :- Kallu Banjara

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

Counsel for Applicant :- Farhan Alam Osmany, Mohd. Raziullah

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

1. Heard learned counsel for applicant and learned A.G.A. for the State.
2. The present bail application has been filed by the applicant seeking bail in case crime no. 0253 of 2022, under Sections 3/5A/8 of U.P. Prevention of Cow Slaughter Act, Section 11 of Animal Cruelty Act and 429 I.P.C., registered at Police Station Auras, District Unnao.
3. As per the prosecution case, the cow progenies were found loaded in a vehicle which was parked unattended on a highway. During investigation the owner of the vehicle stated that he had sold away the vehicle to one Akram Banjara S/o Mukarram Banjara. The live animals were loaded for the purpose of transporting to the State of Bihar for illegal slaughtering. The vehicle was stranded at the place of occurrence because of technical snags. The applicant was found to be involved.
4. It is contended on behalf of the applicant that he is innocent and has been falsely implicated in the present case. He is not named in the FIR; his name has been disclosed in the confessional statement of the co-accused. There is no witness to prima facie show that he was carrying the animals in that vehicle. The applicant has no criminal history and he is in custody from 20.09.2023.
5. The application for bail is opposed by learned A.G.A., however it is conceded that the applicant has no criminal history prior to this case; the applicant is in custody since last more than 2 months now.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated in the present case solely on the basis of confessional statement of co-accused and that the applicant has no previous criminal history and he is in jail since 20.09.2023, in my view, a case for bail is made out.
7. Let applicant - **Kallu Banjara** 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 (a) hearing/framing of charge and (b) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present and permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

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

9. 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 :- 21.11.2023

Vikram