

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13914 of 2023

Applicant :- Avadhesh

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

Counsel for Applicant :- Amit Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Amit Kumar, the learned counsel for the applicant, Smt. Poonam Gupta, the 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.19/2023-24, under Sections 26, 41/42 Indian Forest Act and Section 7/55 (2) of Biological Diversity Act, registered at Range Dhaurahra, District Lakhimpur Kheri.
3. The aforesaid case has been registered on the basis of a complaint alleging that four co-accused persons were arrested while they were felling trees inside a reserved forest. They named three other persons who were involved in commission of offence with them and the applicant has also been implicated by them.
4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
5. The learned counsel for the applicant has submitted that three co-accused persons Pramod, Ramadhar and Vidyanath, who have been arrested on the spot have already been enlarged on

bail by this court by means of an order dated 08.11.2023, passed in Criminal Misc. Bail Application No.13356 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 fact that the applicant has been implicated solely on the basis of custodial statement of co-accused persons and those co-accused persons have already been enlarged on bail by this court; that the applicant has no previous criminal history and he is languishing in jail since 14.10.2023 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.

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

9. Let the **applicant- Avadhesh** 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 :- 24.11.2023
Ram.