

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2901 of 2023

Applicant :- Ambarish Maurya @ Ambaresh Maurya @
Amrish Kumar

Opposite Party :- State Of U.P Thru. Prin. Secy. Home Civil
Secrt. Lko. And Another

Counsel for Applicant :- Yogendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Yogendra Singh, the learned counsel for the applicant as well as Sri Rakesh Kumar Singh, learned A.G.A. appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in Range Case No. 04/ Belrayan Range/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.
3. 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 he had entered the forest area carrying a gun and other weapons. One Rajendra Maurya was arrested on 18.06.2023 and in his custodial statement, he stated that the applicant was also accompanying him and he was carrying a gun and had killed a spotted deer.
- 4 Besides the aforesaid custodial statement of a co-accused person, 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.
5. In the affidavit filed in support of the anticipatory bail application, it has been contended that the applicant is innocent and he has falsely been implicated in the present case. The applicant's involvement in another case has been disclosed in Para 21 of the affidavit filed in support of the application.
6. The learned counsel for the applicant has submitted that both the co-accused person Pappu Ali, has also been granted bail by means of an order dated 05.09.2023 passed by this Court in Criminal Misc. Anticipatory Bail Application No. 1935 of 2023.

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

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that besides the custodial confessional statement of a co-accused person, there is no other evidence of a deer having been killed by the accused persons and that the offence carry a maximum punishment of imprisonment upto three years and one of the co-accused has also been granted anticipatory bail and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicants.

9. In view of the above, the anticipatory bail application of the applicants is ***allowed***. In the event of arrest/ appearance of applicant- **Ambarish Maurya @ Ambaresh Maurya @ Amrish Kumar** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness;

Order Date :- 16.12.2023
Shravan