

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14898 of 2023

Applicant :- Ramesh

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

Counsel for Applicant :- Ajeet Kumar Singh, Reetu Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Ms. Reetu Singh, learned counsel for the applicant, Sri Gyanendra Singh, 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.06/2023-24, under Sections 9/51 (1-C), 49B/ 51 (1-C) Wild Life Protection Act and Sections 26, 41, 42 of Indian Forest Act, registered at Range Mailani, District Kheri.
3. The aforesaid case has been registered on the basis of a complaint alleging that four persons were found inside a reserved forest area, two of whom escaped and the applicant and another person were arrested. Two kilograms of flesh was recovered from each of the accused person and they confessed that the flesh belong to shahi (porcupine) which had been recovered 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 previous criminal history.
5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that that the applicant has no previous criminal history; that the offence alleged carries a maximum punishment of imprisonment up to seven years and that the applicant is languishing in jail since 16.09.2023 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- Ramesh** 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 :- 18.12.2023

Vipul