

Ramraj Bind vs State Of U.P. on 20 January, 2025

Author: Ashutosh Srivastava

Bench: Ashutosh Srivastava

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:9430

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42102 of 2024

Applicant :- Ramraj Bind

Opposite Party :- State of U.P.

Counsel for Applicant :- Kshitij Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Ashutosh Srivastava,J.

Heard SriKshitij Tiwari, learned counsel for the applicant, Sri Punit Kumar Singh, learned AGA for the State and perused the record.

The present bail application under Section 439 Cr.P.C. has been filed on behalf of applicant, Ramraj Bind, with a prayer to release him on bail inCase Crime No. 12/2024, under Section 3/5A/5B/8 U.P. Prevention of Cow Slaughter Act, 1955 and Section 11 of Prevention of Cruelty to Animal Act and Section 429 I.P.C., Police Station-Alinagar,District-Chandauli.

In the prosecution case, it is alleged that on the information of secret informer, police party stopped and searched a pick up vehicle, in which seven alive and one dead cow have been recovered.

Learned counsel for the applicant submits that no scientific evidence or laboratory report is on the record to suggest that the recovered cattle belong to cow progeny. There is no independent witness of the recovery. Offence is triable by magistrate. The applicant is languishing in jail since 15.09.2024

and he has no previous criminal antecedents and after arrest, the applicant was implicated in one case, bail of the same is pending before the court below.

It is further submitted that there is no possibility of the applicant of fleeing away after being released from jail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

On due consideration to the fact that there is no report of the scientific laboratory; there is no independent witnesses of the alleged recovery, coupled with the fact that the applicant is languishing in jail since 15.09.2024 without having any criminal antecedents and without expressing any opinion on the merits of the case, I find it to be a fit case for enlarging the applicants on bail.

Accordingly, the bail application is allowed.

Let the applicant- Ramraj Bind, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

- (i) The applicant will not tamper with the evidence during the trial.
- (ii) The applicant will not pressurize/ intimidate the prosecution witness.
- (iii) 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.
- (iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.
- (v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bhartiya Nyaya Sanhita, 2023.
- (vi) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation,

then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of theBhartiya Nyaya Sanhita, 2023.

Order Date :- 20.1.2025/Anjali