

UPAD010122782022



IN THE COURT OF SESSIONS JUDGE ALLAHABAD

Present- Santosh Rai (H.J.S.)
(JO Code UP 6523)

Bail Application No.- 6372 of 2022

Amit Jaisawal Son of late Rajesh Jaisawal, resident of Ganj Khwaja Janso
Ki Madayi , P.S. Ali Nagar, District Chandauli.

---Applicant/accused

Vs.

State of U.P.

-----Opposite Party

Case crime No.- 74 of 2022
Under Section- 3/5A/8 Cow Slaughter Act &
11 Prevention of Cruelty to Animals Act
Police station- Shankargarh District-
Prayagraj

19.10.2022

This Bail application has been moved by applicant/accused Amit Jaisawal for bail in the above mentioned case.

2. I have heard the learned Counsel for the applicant/accused and learned D.G.C. (criminal) and perused the record.

3. On behalf of the applicant/accused Amit Jaisawal, it has been mentioned in their bail application to the effect that this is first bail application of the applicant/accused in this court. Neither any bail application of the applicant/accused is pending in any court or in Hon'ble High Court nor has been rejected by any court or Hon'ble High Court. In support of bail application , Affidavit has been filed by Arvind Jaisawal, the pairokar of the applicant/accused.

4. Tersely put, the prosecution case is it that F.I.R. was lodged on 14.04.2022 at 13.37 hours at P.S. Shankargarh, Allahabad by complainant Santosh Kumar Singh, S.I. alleging therein that acting on secret information, the police team reached village Bairiha Salaiya and waited for the vehicle mentioned by the informer. After a while a Pick up vehicle, loaded with

progeny of cow, appeared to come. The driver of Pick up began to run away after turning the vehicle. When the police team chased the vehicle, driver and his associate stopped the vehicle and ran away from the catch of police taking advantage of darkness. In vehicle No. UP 67AT 7402, 7 bullocks were found tied cruelly. FIR was lodged against driver of TATA No. UP67AT 7402 and his associate u/s 3/5A/8 Cow Slaughter Act & 11 Prevention of Cruelty to Animals Act in crime no. 74/2022 at P.S. Shankargarh, Allahabad. As per arrest memo, accused/applicant has been arrested on 4.10.2022 on the pointing of informer.

5. The learned counsel for the applicant/accused reiterated in his arguments the contents of bail application and submitted that applicant/accused is innocent and has been falsely implicated. He was not named in the F.I.R. He is owner of the vehicle. His name came into light in this case during investigation. The cattle were not being transported for slaughtering. Applicant/accused is in jail since 04.10.2022. Applicant/accused will abide by the bail conditions imposed by the court and are ready to furnish the required sureties. It has been prayed that accused/applicant be released on bail.

6. Per contra, the learned D.G.C. (criminal) opposed the bail applications and argued that applicant/accused alongwith co-accused persons were carrying 7 bullocks for slaughtering. Accused/applicant has criminal history of 5 other cases. His bail application be rejected.

7. A perusal of the record shows that the matter is relating to transporting of 7 bullocks in a vehicle, which is owned by the accused/applicant. No beef has been recovered. The accused/applicant was not named in F.I.R. His name came into light during investigation. The applicant is languishing in jail since 04.10.2022.

8. Considering the facts and circumstances of the case, the gravity of offence, and role of the applicants/accused, without entering into the merit of the case, it appears to be a fit case for bail. Hence, this bail application is liable to be allowed.

ORDER

The Bail Application of the accused/applicant Amit Jaisawal is allowed.

Let the applicant/accused Amit Jaisawal be released on bail in case crime No. 74 of 2022, under section- S. 3/5A/8 Cow Slaughter Act & 11 Prevention of Cruelty to Animals Act, police station- Shankargarh District- Prayagraj on his furnishing a personal bond of Rs. 50,000 (Rupees Fifty Thousand) and two sureties of the like amount to the satisfaction of the concerned court on the following conditions.

1. Applicant/accused will comply strictly the conditions of bail-bonds mentioned in S. Section 437(3) of Chapter 33 of Code of Criminal Procedure.

(a) The applicant shall attend the Court according to the conditions of the bond executed by him under this chapter;

(b) The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and,

(c) 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.

2. The applicant/accused will execute bail bond as per points mentioned in Form 45 under S. 437 Cr.P.C.- "Accused will appear before the court if notice is being issued by any higher court in an appeal or writ within 6 months after completion of trial."

3. The applicant/accused will co-operate during investigation/trial.

4. The applicant/accused will file an undertaking to the effect that he will not move adjournment during trial/evidence when any witness is present in the court. On violating this condition, the concerned court will have right to pass a justified order against the accused for mis-use of the liberty of bail.

(Santosh Rai)
Sessions Judge
Allahabad