

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3804 of 2024

Applicant :- Ram Khelawan

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

Counsel for Applicant :- Dinesh Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Jaspreet Singh,J.

Heard learned counsel for the applicant and learned AGA for the State-respondent.

This bail application has been moved seeking bail in respect of Case Crime No. 368 of 2023, under Sections 377,504,506 I.P.C. & Section 11 of Cruelty to Animals Act, Police Station Kotwali Rudauli, District Ayodhya, during trial.

It is submitted that as per the version contained in the FIR, it is alleged that the applicant used to take care of the cow of the complainant for many years. It is further stated therein that the complainant had suspicion regarding the conduct of the applicant who committed unnatural sex with his cattle and on 30.7.2023, some unknown persons forwarded a video to the complainant in that regard. It is in this context, the FIR has been lodged.

The submission of the learned counsel for the applicant is that the applicant is innocent and has been falsely implicated in the case. The applicant is a senior citizen aged about 70 years and has no previous criminal history. The allegations contained in the FIR are absolutely false, improbable and concocted. This apart, there is nothing on record which could indicate that on the basis of the alleged video, the applicant has been apprehended. It is urged that the applicant has been in jail since 23.7.2023 and thus, in the aforesaid circumstances, the applicant is entitled to be released on bail.

It is also urged that there is no possibility of the applicant of fleeing away after being released on bail 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. has opposed the prayer for bail, but could not controvert the aforesaid facts.

Considering the rival submissions as well as the facts and circumstances of the case and the material available on record also considering the nature of allegations and accusation against the applicant, the severity of the punishment if convicted and the period of incarceration as well as the fact that no apprehension has been expressed by the learned AGA that the applicant is at the risk of fleeing justice or that he would tamper with evidence or influence any witness, hence, at this stage, without expressing any opinion on the merits of the case, this Court is of the view that the applicant is entitled to be released on bail.

Accordingly, the instant bail application is **allowed**.

Let the applicant- **Ram Khelawan** involved in the above-mentioned case crime be released on bail on his furnishing a personal bond with two reliable sureties each in the like amount to the satisfaction of the court concerned. At the time of executing required sureties, the following conditions shall be imposed in the interest of justice:-

(i) 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.

(ii) 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 229-A of the Indian Penal Code.

(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) 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 174-A of the Indian Penal Code.

(v) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section

313 Cr.P.C. If in the opinion of the trial court, absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Order Date :- 5.4.2024

Shravan