

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 19103 of 2023

Applicant :- Rajat Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Satish Solanki, Purnima

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Ms. Purnima, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 105 of 2022, under Sections 304, 323, 336 IPC, Police Station- Kotwali Hathras, District-Hathras, during pendency of the trial in the court below.

3. FIR of the present case was lodged against applicant and three others and according to the FIR, applicant and other accused persons were throwing bricks from the roof and due to which, son of the informant sustained injuries and during treatment he died.

4. Learned counsel for the applicant submitted that on the basis of false allegation, applicant was made accused in the present matter and even from the statements of the witnesses recorded during investigation, it appears that main accused is Mukesh, the father of the applicant. She further submitted that even from the statements of the witnesses, it could not be reflected that applicant was having any intention to cause death of the deceased.

5. She further submitted that bail application of co-accused Tanuj @ Narendra Pratap Singh, the brother of applicant, has already been allowed by co-ordinate Bench of this Court and case of applicant is at par with him and his bail order has been annexed alongwith the instant bail application.

6. She further submitted that applicant is not having any criminal history and he is in jail since 24.03.2023 i.e. for last more than six months.

7. Per contra, learned AGA however, opposed the prayer for bail

but could not dispute the argument on facts advanced by learned counsel for the applicant.

8. I have heard learned counsel for the parties and perused the record of the case.

9. Considering the fact that general allegation has been levelled against the applicant and others that they were throwing bricks from the roof and due to that deceased sustained injuries and died and co-accused Tanuj has already been released on bail and case of applicant is at par with him, in my view applicant is entitled to be released on bail.

10. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

11. Let the applicant- **Rajat Singh** 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 the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

12. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

13. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 8.12.2023

KK Patel