

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25176 of 2023

Applicant :- Anant Pal Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Zafar Abbas, Sarve Nazir

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Zafar Abbas, learned counsel for the applicant and Sri Suresh Bahadur Singh, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 144 of 2021, under Sections 323, 504, 506, 308 IPC, Police Station Jafarganj, District Fatehpur during pendency of the trial.

3. Learned counsel for the applicant submitted that this is second bail application filed on behalf of the applicant. The first bail application of the applicant was dismissed by this Court vide order dated 22.03.2023 passed in Criminal Misc. Bail Application No. 9818 of 2023. He further submits that that instant matter relates to Section 308 IPC and from perusal of the order dated 22.03.2023 it appears that it was dismissed on one of the grounds that applicant was in jail only since 25.01.2023 i.e. for last only two months but since then more than six months have been passed and applicant in the present matter is in jail for more than nine months.

4. He further submits that applicant is 65 years old person and although he is having criminal history of four cases but out of four cases in two cases he has been acquitted and another two cases were of minor complaints and criminal history of the applicant has been explained in the instant bail application.

5. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that applicant in the present matter is in jail since 25.01.2023 i.e. for more than nine months and he is aged about 65 years.

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

7. Although, this is second bail application filed on behalf of the applicant but instant matter relates to Section 308 IPC and first bail application of the applicant was dismissed by this Court vide order dated 22.03.2023 and from perusal of first bail order it appears that it was dismissed on one of the ground that at the time of first bail application, incarceration of the applicant was of only two months but since then more than six months have been passed and applicant is in jail for more than nine months. Further, applicant is aged about 65 years and criminal history of the applicant has been explained in the instant bail application.

8. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

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

10. Let the applicant - **Anant Pal 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.

11. 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.

12. 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 :- 17.10.2023

AK Pandey