

Court No. - 65

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 29534 of 2023

Applicant :- Akesh Kumar @ Nanha

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Kumar Giri, Dharmendra Pratap Singh, Surendra Kumar

Counsel for Opposite Party :- G.A., Ram M. Kaushik

Connected with

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 31582 of 2023

Applicant :- Vivek Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Nafees Ahmad, Om Prakash Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Misra, J.

Heard Mr. Om Prakash Mishra along with Mr. Nafees Ahmad, learned counsel for applicant- Vivek Kumar, Mr. Deep Singh, Advocate, holding brief of Mr. Dharmendra Pratap Singh, the learned counsel for applicant- Akesh Kumar @ Nanha, the learned A.G.A. for State and Mr. Abhishek Ghosh holding brief of Mr. Ram M. Kaushik, the learned counsel representing first informant.

Perused the record.

These applications for bail have been filed by applicants - Vivek Kumar and Akesh Kumar @ Nanha, seeking their enlargement on bail in Case Crime No. 0318 of 2022, under Sections 147, 148, 149, 302, 323, 336, 506, 34 IPC, Police Station- Cantt, District- Prayagraj, during the pendency of trial.

Record shows that in respect of an incident which is alleged to have occurred on 25.10.2022, a belated F.I.R. dated 26.10.2022 was lodged by first informant Ayodhya Prasad Yadav and was registered as Case Crime No. 0318 of 2022, under Sections 147, 148, 149, 302, 323, 336, 506, 34 IPC, Police Station- Cantt, District- Prayagraj. In the aforesaid F.I.R. ten persons namely,

Nanha, Mohit, Rahul, Pinku, Sitish, Rishabh, Ashu, Vishal, Vivek and Umesh have been nominated as named accused, whereas two to three unknown person have also been arraigned as accused.

In the occurrence giving rise to present criminal proceedings, one person namely, Ankit Kumar died whereas one person Aman Kumavni sustained injuries. In the opinion of autopsy surgeon, who conducted autopsy of the body of deceased cause of death of deceased was coma as a result of head injuries. The autopsy surgeon found following ante-mortem injuries on the body of deceased:

(i) L/w 5 x 1 CM Rt. Skull temporal and parietal regions 6 cm above Rt. ear

(ii)L/W 6 x 2 cm Rt. side skull 1 cm above Rt. ear, bone deep...

(iii)L/W 2 x 1 cm on mid chin

(iv) Abrasion 5 x 3 cm Rt. Elbow joint

(v) Abrasion 8 x 3 cm Rt. side of Chest

(vi) Abrasion 2 X 1 cm on Rt. iliac spine (lateral part)

(vii) Abrasion 8 X 1 cm on Rt. knee

(viii) Abrasion 10 x 3 cm on left knee

(ix) Abrasion 3 x 1 cm on left ankle joint

According to learned A.G.A. as per medico legal report of the injured, Aman Kumavni, he sustained following injuries:

(i) Lacerated wound 4 x 2 cm size on Lt side of forehead 2 cm above Lt eyebrow

(ii) Contusion... in colour of size 6 cm x 4 cm below and behind right ear

(iii) Abrassion of 2 cm size on right chick 6 cm below right eye

(iv) Contusion 4 x.... size on left chick, 3 cm below left eye

(v) Contusion 11 cm x.. cm size on right shoulder

(vi) Multiple contusion on right upper limb in 30 x 4 cm size.

(vii) Contusion on right side of back 8 x 2 cm with abrassion of 7

x 0.5 cm.

(viii) Multiple contusion marks on upper back in area of 30 x 20 cm size

(x) Contuse swelling of 4 x 2 cm size on occipital region of head.

After completion of statutory investigation in terms of Chapter XII Cr.P.C. Investigating Officer submitted charge sheet dated 13.11.2022, whereby following persons namely, Ayodhya Prasad Yadav, Govind Lal, Aman Kumavni, Abib Kumavni, Aman Tiwari, Sanjay Giri, Iaki, Dipesh Agarwal, Surendra Pratap, Sarvesh Sakya, Chandra Rai, Sudha Tiwari, Sharda Prasad, Kaleem Akmal, Santosh, Shailesh, Anjali Singh, Ravi Kant, Rukumpal Singh have been charge sheeted under sections 147, 148, 149, 302, 323, 336, 506, 34 IPC.

At the very outset, learned counsel for applicants contends that named/charge-sheeted accused Tushar Bhartiya @ Anshu has already been enlarged on bail by this Court vide order dated 28.3.2023, passed in Criminal Misc. Bail Application No. 12244 of 2023 (Tushar Bhartiya @ Anshu Vs. State of U.P). For ready reference the above order is reproduced herein under:

"1. List has been revised.

2. Heard Shri Shashi Kumar Dwivedi, learned counsel for the applicant as well as Shri R.P. Patel, learned A.G.A. for the State and perused the record.

3. Applicant seeks bail in Case Crime No.318 of 2022, under Sections 147, 148, 149, 302, 323, 336, 506 & 34 I.P.C., Police Station Cantt, District Prayagraj, during the pendency of trial.

4. As per prosecution story, the ten named accused persons alongwith 2-3 unknown persons are said to have assaulted the son of the informant and his friends Aman Kumauni and Govind Lal on 25.10.2022 sometime in the night as they had an altercation with each other at about 08:00 p.m. the same night. The accused persons are said to have assaulted with lathi, danda, bricks and stones. The son of the informant was rushed to SRN Hospital, Prayagraj by his friends, where he was declared as brought dead.

5. Learned counsel for the applicant has stated that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about more than thirteen hours and there is no explanation of the said delay caused. Learned counsel has stated that the applicant is not named in the FIR. There are ten accused persons named in it and it is stated that there were 2-3 unknown persons. Learned counsel has stated that the name of the applicant has come up in the statement of injured and other persons who were accompanying the deceased person at

the time of offence, whereby they have leveled general allegations against the applicant and other co-accused persons. Learned counsel has stated that the case of the applicant stands at a different footing to the named accused persons. Learned counsel has further stated that as the FIR is delayed and has been instituted after much legal consultations and deliberations, the absence of the name of the applicant casts doubt on his nomination as an accused. Thus, his complicity stands in doubt in the said offence. The applicant is a student. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. There is no criminal history of the applicant. The applicant is languishing in jail since 28.10.2022. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that the statements of the injured and other persons who were accompanying the deceased person have been very promptly recorded by the Investigating Officer, i.e., on 26.10.2022 itself, thus there is no possibility of false implication of the applicant. Although, he could not dispute the fact that applicant is not named in the FIR.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that applicant is not named in the FIR as it has been lodged after a delay, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

8. Let the applicant- Tushar Bhartiya @ Anshu involved in aforementioned case crime number be released on bail on furnishing a personal bond and two heavy sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

(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 will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv) 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.

(v) 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.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are

accepted.

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses. "

On the aforesaid premise, learned counsel for applicant contends that case of present applicants is similar and identical to co-accused Pooni. Both the charge-sheeted accused have been charge-sheeted under the same sections. There is no such distinguishing feature on the basis of which case of present applicants can be so distinguished from aforesaid co-accused so as to deny them bail. They, therefore, contend that in view of above and for the facts and reasons mentioned in the above bail orders, applicants are also liable to be enlarged on bail on the ground of parity.

It is next contended that upto this stage, four prosecution witnesses of fact have been examined i.e. P.W.1-Ayodhya Prasad, P.W.2 Govind, P.W.3 Aman Kumavni, P.W.4 Sarda. All the four witnesses who have been examined up to this stage have not supported the F.I.R.

Even otherwise, applicants are men of clean antecedents inasmuch as they have no criminal history to their credit except the present one. Applicant- Akesh Kumar @ Nanha is in jail since 28.10.2022 whereas Applicant- Vivek Kumar is in jail since 26.10.2022. As such, they have undergone sufficient period of incarceration. Police report in terms of Section 173 (2) Cr.P.C. has already been submitted against applicants, as such, the entire evidence sought to be relied upon by prosecution against applicant stands crystalized. Up to this stage no such circumstance has emerged, necessitating the custodial arrest of applicants during the pendency of trial. It is thus urged that applicants are liable to be enlarged on bail. In case the applicants are enlarged on bail, they shall not misuse the liberty of bail and shall co-operate with the trial.

Per contra, the learned A.G.A. and the learned counsel for first informant have opposed the prayer for bail. He submits that since applicant is the husband of the deceased a named as well as charge sheeted accused, therefore he does not deserve any indulgence by this Court. Learned counsel for first informant submits that bail applications of three of the accused filed before this Court have already been rejected. The details of the same are as under:

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 55316 of 2022

Applicant	:-	Prishu	Kumar	@	Piku
Opposite	Party	:-	State	of	U.P.

**Counsel for Applicant :- Rama Shankar Mishra
Counsel for Opposite Party :- G.A.**

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Heard Mr. Rama Shankar Mishra, learned counsel for the applicant, learned Additional Government Advocate for the State and perused the material available on record.

By means of this application, the applicant is seeking enlargement on bail during the trial in Case Crime No.318 of 2022, under Sections 147, 148, 149, 302, 323, 336, 506, 34 IPC, Police Station Cantt., District Prayagraj.

In short the prosecution story is that the impugned FIR has been lodged by the father of the deceased alleging that on 25.10.2022 at about 8 O'clock, his son namely Ankit Yadav and his friend, namely, Govind Lal, Aman Kumauni, Aman Tiwari and Lucky were going to Civil Lines and when they reached Sulem Sarai where due to some hot talk with Nanha, Mohit and Rahul about smoking, Rahul called upon his villagers by telephone, namely, Piku, Satish, Rishav, Ashu, Vishal, Vivek, Umesh @ Nate and 2-3 unknown persons, who armed with Lathi, Danda, Bricks came at the spot and badly assaulted the son of the informant, as a result of which, he sustained grievous injuries. Later on, he died due to the grievous injuries sustained.

The contention as raised at the Bar by learned counsel for the applicant is that applicant-accused is quite innocent and has been falsely implicated in the present case. The applicant has never committed any offence as alleged in the impugned FIR. The applicant is doing work as a library peon in All India Reporter department at High Court, Allahabad. The deceased has received as many as nine injuries over the part of the body and all these injuries are simple in nature except injury no.2 and 9. The cause of death of the deceased shows as antimortem head injury. Further contention is that as per version of the FIR, the main role has been assigned to co-accused Nanha, Mohit and Rahul. Further submission is that during investigation, the investigating officer has recorded the statement of eye witnesses, namely, Sudha Tiwari and Sharda Prasad Yadav, but they have not disclosed the name of the applicant in their statement. There was no motive for the applicant to commit such offence, hence, no offence under Section 302 IPC is made out against the applicant. Several other submissions in order to demonstrate the falsity of the allegations made against the applicant have also been placed forth before the Court. The circumstances which, according to the counsel, led to the false implication of the accused have also been touched upon at length. It has been assured on behalf of the applicant that he is ready to cooperate with the process of law and shall faithfully make himself available before the court whenever required. Lastly, it is argued that the applicant is languishing in jail since 28.10.2022 having no previous criminal history.

Per contra, learned A.G.A. has vehemently opposed the prayer for bail to the applicant and has submitted that the deceased was just aged about 17 years at the time of alleged incident. The applicant and other co-accused persons are involved in the alleged incident. The applicant is also named

in the FIR. The witnesses, namely, Govind Lal and Aman Kumauni have specifically stated in their statement that applicant alongwith other co-accused persons badly assaulted the deceased with Lathi, Danda and Bricks, as a result of which, he died on the spot. Prima facie, the offence is made out against the applicant, hence, applicant is not entitled for any relief.

Considering the facts and circumstances of the case as well as submission advanced by learned counsel for the parties, nature of allegations, gravity of offence and all attending facts and circumstances of case, the Court is of the opinion that it is not a fit case for grant of bail to the applicant.

Accordingly, the bail application is rejected.

Order Date :- 12.12.2022

(2) Case :- CRIMINAL MISC. BAIL APPLICATION No. - 28828 of 2023

Applicant :- Mohit Kumar
Opposite Party :- State of U.P.
Counsel for Applicant :- Ganesh Shanker Srivastava, Vinod Kumar Maurya
Counsel for Opposite Party :- G.A., Ram M. Kaushik

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Personal affidavit filed on behalf of Shri Deepak Bhuker, Deputy Commissioner of Police, Prayagraj is taken on record.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 318 of 2022 at Police Station Cantt. District Prayagraj under Sections 147, 148, 149, 302, 323, 336, 506, 34 I.P.C. The applicant is in jail since 28.10.2022.

The bail application of the applicant was rejected by learned trial court on 12.05.2023.

The applicant along with others have been identified as the principal offender who assaulted the deceased as well as the injured with a common intent to commit the offence. There are eye-witnesses to the incident. The eye-witness as well as the postmortem report corroborate the prosecution case. The offence is grave. There is likelihood that the applicant had committed the offence. At this stage, no case for bail is made out.

Without going into the merits of the case, the bail application is dismissed.

Considering the gravity of the offence, interest of justice will be served by directing the learned trial court to expedite the trial within a stipulated period of time.

The trial court is directed to conclude the trial within a period of one year from the date of receipt of a certified copy of this order. The learned trial court shall proceed with the hearing on a day to day basis to ensure that the above stipulated timeline of one year is strictly adhered to. All witnesses and

The trial court has also to be conscious of the rights of the accused persons and is under obligation of law to ensure that all expeditious, necessary and coercive measures as per law are adopted to ensure the presence of witnesses. Counsels or parties who delay or impede the proceedings should not only be discouraged from doing so but in appropriate cases exemplary costs should also be imposed on such parties/ counsel.

The learned trial court shall promptly take out all strict coercive measures against all the witnesses in accordance with law who fail to appear in the trial proceeding. Counsels or parties who delay or impede the proceedings should not only be discouraged from doing so but in appropriate cases exemplary costs should also be imposed on such parties/ counsel.

In case there is a failure on part of the police authorities to execute the warrants or other coercive measures, the Deputy Commissioner of Police, Prayagraj shall state the reasons for the same in the said affidavit and also show the steps taken to execute the warrants. The Deputy Commissioner of Police, Prayagraj shall simultaneously inform the Additional Director General of Police (ADG) Prayagraj Zone, about the aforesaid failure of the police authorities in the first instance to execute the warrants and coercive measures issued by the learned trial court. If required, the Additional Director General of Police (ADG) Prayagraj, may issue an appropriate directions to ensure that the warrants issued are promptly executed by the learned trial court.

The trial judge shall submit a fortnightly report on the progress of trial and the steps taken to comply with this order to the learned District Judge.

Order Date :- 19.7.2023

Applicant :- ***Rahul Kumar***

Opposite Party :- State of U.P.
Counsel for Applicant :- Ajay Kumar Giri, Surendra Kumar
Counsel for Opposite Party :- G.A., Ram M. Kaushik

1. Heard Sri Ajay Kumar Giri, learned counsel for the applicant; Sri Mohd. Asif Advocate holding brief of Sri Ram M. Kaushik, learned counsel for the informant and Sri Jhamman Ram, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 0318 of 2022, under Sections 147, 148, 149, 302, 323, 336, 506, 34 IPC, Police Station Cantt, District Prayagraj, during pendency of the trial in the court below.

3. FIR of the present case was lodged against the applicant and nine others and 2-3 unknown persons and according to the FIR applicant alongwith his associates made assault upon the son of the informant and his friend Aman through wooden sticks, bricks and stones and due to the assault made by them his son died and Aman sustained injuries.

4. Learned counsel for the applicant submitted that the entire allegations made against the applicant are totally false and baseless and applicant did not participate in the alleged incident and on the basis of general and omnibus allegation applicant has been implicated in the present matter.

5. He further submitted that from the perusal of the case diary it appears that injured Aman did not sustain any internal injury, therefore, his presence appears to be doubtful.

6. He further submitted that co-accused Tushar whose name was disclosed by the injured has been released on bail by the co-ordinate Bench of this Court vide order dated 28.3.2023 passed in Crl. Misc. Bail Application No. 12244 of 2023 and from the statement of the injured Aman, the case of applicant is at par with him.

7. He next submitted that although bail application of co-accused Prishu Kumar @ Piku who was named in the FIR alongwith applicant has been dismissed by co-ordinate Bench of this Court vide order dated 12.12.2022 passed by Crl. Misc. Bail Application No. 55316 of 2022 but as there can no parity of rejection of bail order, therefore, considering the fact that co-accused Tushar has already been released on bail, applicant may also be released on bail.

8. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 28.10.2022, therefore, he may be released on bail.

9. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that as many as ten persons made assault upon two persons and in the assault, one person died and one sustained injuries and apart from the injured witnesses, there are several eye witness and all stated that applicant also participated in the incident and further bail application of co-accused Prishu Kumar @ Piku has already been dismissed by this Court.

10. Learned counsel appearing on behalf of the informant further submitted that as co-accused Tushar was not named in the FIR, therefore, case of applicant is distinguishable from him.

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

12. It is a case in which as many as 12 persons made assault upon the deceased and injured Aman through wooden sticks, bricks and stones and due to the assault made by them, one person died and one sustained injury.

13. From perusal of the post mortem report of the deceased, it appears that he sustained as many as 9 injuries and injured & other eye witnesses in their statements recorded under section 161 Cr.P.C. stated against the applicant.

14. Although bail application of the co-accused Tushar has been allowed by co-ordinate Bench of this Court but from the perusal of the bail granting order dated 28.3.2023, it appears that one of the grounds to grant bail was that he was not named in the FIR. As applicant is named in the FIR, therefore, case of applicant is distinguishable from the case of co-accused Tushar.

15. Further bail application of Prishu Kumar @ Piku has been dismissed by co-ordinate Bench of this Court vide order dated 12.12.2022 passed in Crl. Misc. Bail Application No. 55316 of 2022 and he was also named in the FIR alongwith applicant.

16. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant is not entitled to be released on bail.

17. Accordingly, the instant bail application stands rejected.

18. 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 :- 17.7.2023

It is further submitted that criminality committed by applicants and co-accused is joint and common. Therefore same is incapable of separation or saggregation. Therefore, no exception can be carved out in the case of applicants. As such, applicants do not deserve any sympathy by this court.

Having heard the learned counsel for applicants, the learned A.G.A. for State and the learned counsel for first informant, upon perusal of material brought on record, evidence, nature and gravity of offence as well as complicity of applicants, accusation made coupled with the fact, that one of the charge sheeted accused has been enlarged on bail by this Court, the case of present

applicants is similar and identical to bailed out named and charge-sheeted co-accused inasmuch as no motive has been assigned to present applicants, the complicity of applicants has emerged in the crime in question after the scuffle has taken place, learned A.G.A. and learned counsel for first informant could not point out any such distinguishing feature so as to distinguish the case of present applicants from that of bailed out co-accused, no recovery has been made from applicants, clean antecedents of applicants, the police report in terms of section 173 (2) Cr.P.C has already been submitted and therefore the entire evidence sought to be relied upon by the prosecution against applicants stands crystallized, yet inspite of above, the learned A.G.A. could not point out any such circumstance from the record necessitating the custodial arrest of applicants during the pendency of trial, up to this stage, four prosecutions witness of fact i.e. first informant, the injured, independent eye witness and chance witness i.e. P.W.1, P.W.2, P.W.3 and P.W. 4, have been examined but they have not supported the F.I.R., therefore irrespective of the objections raised by the learned A.G.A. and the learned counsel for first informant in opposition to the present applications for bail, but without making any comment on the merits of the case, the applicants have made out a case for bail.

Accordingly the bail applications are **allowed**.

Let the applicants **Vivek Kumar** and **Akesh Kumar @ Nanha** be released on bail in the aforesaid case crime number on 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 SHALL FILE AN UNDERTAKING TO THE EFFECT THAT HE/SHE SHALL NOT SEEK ANY ADJOURNMENT ON THE DATE 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/HER COUNSEL. IN CASE OF HIS/HER ABSENCE, WITHOUT SUFFICIENT CAUSE, THE TRIAL COURT MAY PROCEED AGAINST HIM/HER UNDER SECTION 229-A IPC.

(iii) IN CASE, THE APPLICANT MISUSES THE LIBERTY OF BAIL DURING TRIAL AND IN ORDER TO SECURE HIS/HER PRESENCE PROCLAMATION UNDER SECTION 82 CR.P.C., MAY BE ISSUED AND IF APPLICANT FAILS TO APPEAR BEFORE THE COURT ON THE DATE FIXED IN SUCH PROCLAMATION, THEN, THE TRIAL COURT

SHALL INITIATE PROCEEDINGS AGAINST HIM/HER, IN ACCORDANCE WITH LAW, UNDER SECTION 174-A IPC.

(iv) THE APPLICANT SHALL REMAIN PRESENT, IN PERSON, BEFORE THE TRIAL COURT ON DATES FIXED FOR (1) OPENING OF THE CASE, (2) FRAMING OF CHARGE AND (3) 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 THE HIM/HER IN ACCORDANCE WITH LAW.

(v) THE TRIAL COURT MAY MAKE ALL POSSIBLE EFFORTS/ENDEAVOUR AND TRY TO CONCLUDE THE TRIAL WITHIN A PERIOD OF ONE YEAR AFTER THE RELEASE OF THE APPLICANT.

However, it is made clear that any wilful violation of above conditions by the applicant, shall have serious repercussion on his/her bail so granted by this court and the trial court is at liberty to cancel the bail, after recording the reasons for doing so, in the given case of any of the condition mentioned above.

Order Date :- 17.10.2023

Arshad