

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 25727 of 2023

Applicant :- Samar Jeet Singh Alias Samar Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Pradip Narain Singh, Aushim Luthra, Mohammad Haadi Zaidi, Rajesh Pratap Singh, Zia Naz Zaidi

Counsel for Opposite Party :- G.A., Amitabh Trivedi, Jitendra Kumar Shukla, Manisha Singh, Vikash Kumar, Vinay Kumar Agrahari, Saurabh Ti

Hon'ble Sameer Jain, J.

1. Heard Sri Manish Tiwari learned Senior Advocate assisted by Sri Aushim Luthra, learned counsel for the applicant; Sri Saurabh Tiwari, Advocate holding brief of Sri Amitabh Trivedi, learned counsel for the informant and Dr. S. B. Singh, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 131 of 2023, under Sections 306/323 IPC, Police Station Sarnath, District Varanasi, during pendency of the trial in the court below.
3. FIR of the present case was lodged against the applicant and co-accused Sanjay Singh on 27.3.2023 under section 306 IPC and according to the FIR, daughter of the informant who came to Varanasi for the purpose of film shooting and was staying in a hotel in Varanasi and due to the torture of the applicant and his brother co-accused Sanjay Singh, she lost her life.
4. Learned counsel for the applicant submitted that on the basis of vague allegations applicant has been made accused in the present case.
5. He further submitted that applicant is a Producer of Bojpuri Movies and he also used to make videos and deceased was his actress and also used to sing with him in his movies and videos and as she worked with the applicant, therefore, some intimacy developed between both of them but after some times their relationship became strained and thereafter deceased has broken her relationship with the applicant and after the break up she also throw a party in this regard in a hotel and thereafter she returned to

the hotel alongwith one Sandeep Singh who stayed in the hotel alongwith her for sometime and after that she had gone on Instagram live and after that she committed suicide.

6. He further submitted that there is there is nothing on record which can show that due to the abatement of the applicant, deceased committed suicide.

7. He further submitted that during investigation, it was revealed that applicant also tortured the deceased and there was some dispute arose between the applicant and deceased with regard to the payment for her work which deceased did with the applicant but merely on the basis of such vague allegations, it cannot be said that deceased committed suicide due to the abetment of the applicant.

8. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 8.4.2023, i.e. for more than six months.

9. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that during investigation, Investigating Officer recorded the statement of one Ishika Singh, a close friend of the deceased who in her statements stated that deceased informed her that applicant used to torture her and in the month of October, 2022, he also assaulted her and in the statements of number of other persons including Director of her movie, this fact has been revealed that applicant used to threaten the deceased and therefore, it cannot be said that there is no evidence of abetment against the applicant on record and as due to the abetment of the applicant, a promising and young actress and singer lost her life, therefore, applicant who is very influential and affluent person should not be released on bail.

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

11. From the record it reflects that deceased worked with the applicant in his movies and albums and a dispute arose between them with regard to the payment of the deceased.

12. A close friend of the deceased, namely, Ishika Singh in her statement recorded during investigation stated that applicant made assault upon the deceased in the month of October, 2022 but deceased committed suicide in the month of March, 2023 i.e. after four months.

13. The allegation made against the applicant appears to be vague in nature and even if, some dispute arose between applicant and deceased with regard to the payment then also at this stage, prima facie, it cannot be said that due to the abetment of the applicant, deceased committed suicide.

14. Further, applicant is not having any previous criminal history and he is in jail in the present matter since 8.4.2023 i.e. for last more than six months.

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

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

17. Let the applicant-**Samar Jeet Singh Alias Samar 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.

18. 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.

19. 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 :- 7.11.2023

Ankita