

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 27062 of 2023

Applicant :- Kamla Pati Tripathi

Opposite Party :- State of U.P.

Counsel for Applicant :- Amit Rai, Sarwam Dwivedi, Surya Pratap Singh Parmar

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. The applicant is said to be in custody since 23.5.2023 on the basis of summoning order passed in a complaint case.

3. Learned counsel for the applicant has submitted that while applicant was in service, he was involved in a police party, in which the informant was an accused, subsequently on being enlarged on bail, the said accused persons initiated proceedings against the applicant by filing a complaint case, in which the applicant was summoned. Even the informant has died and six of the co-accused have also expired. Even the sanction for prosecution has not been given and in view thereof, coupled with the fact that applicant has no criminal history and he is in jail since 30.5.2023.

4. Learned AGA has opposed the bail application.

5. Considering the fact that the applicant is in jail since 30.5.2023 and sanction for prosecution has not been given and there is nothing on record to demonstrate that the applicant if enlarged on bail, would in any way adversely affect the trial and without expressing any opinion on merit, I am of the view that the applicant is entitled to be released on bail. In view thereof, the application is allowed.

6. Let the applicant **Kamla Pati Tripathi** be released on bail in Complaint Case/Special Session Trial No. 169 of 1989, under sections 147, 148, 323/149, 452, 395 and 397 I.P.C., P.S. Naraini,

district-Banda, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) 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.

Order Date :- 9.11.2023

Faridul