

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 27030 of 2023

Applicant :- Brahmanand Pal

Opposite Party :- State of U.P.

Counsel for Applicant :- Lalit Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Lalit Kumar Tripathi, 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. 0106 of 2018, under Sections 420, 467, 468 & 471 IPC, Police Station Ghiror, District Mainpuri, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that this is the second bail application filed on behalf of the applicant. His first bail application has been dismissed on merit and he is now pressing the instant second bail application on the ground that applicant is in jail in the present matter since 2.11.2022 i.e. for almost a year and till date even charges could not be framed against the applicant.
4. He further submitted that applicant is a retired Lekpal and he is aged about 63 years.
5. Per contra, learned AGA opposed the prayer for bail and submitted that after considering the entire facts, first bail application of the applicant was dismissed but could not dispute the fact that applicant is Lekpal and he is aged about 63 years.
6. He further could not dispute the fact that applicant is in jail for almost a year and till date, not even charges could be framed.
7. I have heard learned counsel for the parties and perused the record of the case.
8. Although this is the second bail application filed on behalf of the

applicant and his first bail application was dismissed by this Court on merit but it appears that applicant is a retired Lekpal and he is in jail for almost a year and till date, even charges against the applicant could not be framed.

9. Therefore, considering the facts and circumstances of the case, discussed above, 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-**Brahmanand Pal**, 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 :- 16.10.2023

Ankita