

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 29420 of 2023

Applicant :- Satish Rana

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajeev Sawhney

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.

2. The present application is a third bail application filed by the applicant seeking release on bail in the Case Crime No. 679 of 2020, under Sections 420, 406, 467, 468, 471, 120-B IPC & 66 I.T. Act, P.S. Beeta-2, District Gautam Buddh Nagar, during the pendency of the trial.

3. From the perusal of the record it is clear that the first bail application was rejected by this Court vide order dated 25.03.2022 and the second bail application filed by the applicant was rejected on 4.1.2023.

4. It is argued by counsel for the applicant that the applicant is in custody since 4.1.2021 and he has annexed the ordersheet to demonstrate that even after about three years having passed even the charge has not been framed. He relies upon the chargesheet to argue that as many as 17 witnesses are proposed to be examined and despite three years having passed even charge has not been framed. He further argues that all the co-accused have been enlarged on bail vide orders which are on record. He argues that the trial is to be done by the Magistrate which should be completed expeditiously, however, the ordersheet demonstrates that the trial is being prolonged without any fault of the applicant, which resulted in violation of the rights of the applicant enshrined under Article 21 of the Constitution of India. He placed reliance upon the judgment of the Hon'ble Supreme Court in the case of ***Rabi Prakash vs. State of Odisha decided in Special Leave to Appeal (Crl.) No.4169 of 2023*** as well as the judgment of the Hon'ble Supreme Court in the case of ***Manish Sisodia Vs. Central Bureau of Investigation, Criminal Appeal No.003352 of 2023 arising out***

of SLP (Criminal) NO.8167 of 2023 decided on 30.10.2023.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering fact that the applicant was arrested and subsequently his bail application was rejected twice, however, the trial has not even started as is clear from the perusal of the ordersheet which indicates that even the charge has not framed. Detention of the applicant for three years without the trial even commencing, clearly violates the rights of speedy trial enshrined under Article 21 of the Constitution of India, which law was reiterated by the Supreme Court in the case of ***Manish Sisodiya (supra)***. Thus, on the ground of prolong detention without there being any chance of the trial concluding in the near future coupled with the fact that co-accused haven been enlarged on bail 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.

6. Accordingly, the bail application is allowed.

7. Let the applicant **Satish Rana** be released on bail in the aforesaid case crime number on his furnishing personal bonds and two reliable sureties of Rs. 1,00,000/- each to the satisfaction of the 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 :- 3.11.2023

S.A.