

Court No. - 85

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34556 of 2023

Applicant :- Karan Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Vandana Gupta, Ashutosh Gupta

Counsel for Opposite Party :- G.A., Shri Krishan Yadav

Hon'ble Mayank Kumar Jain, J.

Heard learned counsel for the applicant, Shri Krishan Yadav, learned counsel for the informant and learned A.G.A. for the State and perused the record.

The present bail application has been filed on behalf of applicant in Case Crime No. 528 of 2012, under Section 147, 148, 149, 307, 336 of IPC, Police Station Vrindavan, District Mathura with the prayer to enlarge the applicant on bail.

As per prosecution version on 14.06.2012 at around 9 pm when informant and his family members were taking their dinner, applicant alongwith other co-accused came there with illegal arms and fired upon Om Prakash Yadav. The incident was witnessed by Dalchand and Dharamveer. The information of the incident was sent to the police station concerned. When police personnel came at the place of incident, the appellant alongwith other co-accused started pelting stones on them due to which some police personnel got injured.

It has been argued by learned counsel for the applicant that applicant is innocent and he has been falsely implicated in the present case. It is further submitted that there is a cross version of the incident and a cross case having case crime no. 528A of 2012 has been registered from the side of applicant. One Lokesh from the side of applicant died on account of injury sustained in the incident. It is further submitted that specific role of firing has been assigned to the co-accused Pramod S/o Pooran Singh who has already been granted bail by the trial court. It is further submitted that identically placed co-accused Vinod and Anil have also been granted bail by the co-ordinate Bench of this Court vide orders dated 01.09.2016 and 14.09.20216 passed in Criminal Misc. Bail Application Nos. 30046 of 2016 and 31626 of 2016 respectively,

and therefore, the applicant is also entitled to be released on bail on the ground of party. It is further submitted that applicant is languishing in jail since 07.06.2023 and that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

Per contra, the learned Additional Government Advocate assisted by learned counsel for the informant has opposed the prayer for grant of bail but he could not dispute the aforesaid aspect of the matter.

Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, nature of evidence and all attending facts and circumstances of the case, without expressing any opinion on 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.

Let the applicant **Karan Singh** in the aforesaid crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of court concerned subject to the following conditions:

- (1). The applicant will not tamper with the prosecution evidence during the trial.
- (2). The applicant will not influence any witness.
- (3). The applicant will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (4). 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 to any police officer or tamper with the evidence.

In case of breach of any of the above condition, the prosecution shall be at liberty to move an application before this Court seeking cancellation of the bail.

Order Date :- 16.10.2023

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