

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36158 of 2023

Applicant :- Govind Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- A.Z.Khan

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Supplementary affidavit filed today is taken on record.
3. Heard Sri A.Z. Khan, learned counsel for the applicant as well as Sri R.P. Patel, learned A.G.A. for the State and perused the record.
4. Applicant seeks bail in Session Trial No.999 of 2023, arising out of Case Crime No.218 of 2022, under Sections 376, 323, 504, 506 I.P.C., Police Station Nagal, District Saharanpur, during the pendency of trial.
5. This is the third bail application on behalf of the applicant. The first and the second bail applications were rejected by this Court vide orders dated 16.3.2023 and 1.5.2023.
6. As a new ground, learned counsel for the applicant has stated that the victim has been examined in court and even her cross-examination is complete and she is silent regarding the involvement of the applicant in the present case. She has categorically stated that she was searching the house of the applicant, during inquiry the other persons of the locality had apprehended her and beaten her up on the false notion that she was involved in kidnapping of small children.
7. Learned counsel for the applicant has further stated that even the injuries sustained by the victim stands explained vide the said statement whereby it is stated that the author of the said injuries were the unknown villagers. The criminal history of two cases stands explained as the parentage in the said FIRs is different. The name of father of the applicant is Pahal Singh and the name of the father of the accused person in the said FIRs is Manglu. The applicant is languishing in jail since 18.8.2022 for no fault of him. In case, the applicant is released on bail, he will not misuse the liberty of bail.

8. Learned counsel for the applicant has stated that the said criminal history of the applicant stands explained. In support of this submission, learned counsel has placed much reliance upon the judgment of ***Prabhakar Tewari Vs. State of U.P. and another, 2020 (11) SCC 648***, wherein the Apex Court has observed that pendency of several criminal cases against an accused itself cannot be a basis for refusal of bail, if otherwise his case of bail is made out.

9. Per contra, learned A.G.A. has vehemently opposed the bail application.

10. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and without expressing any opinion on the 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.

11. Let the applicant- **Govind Singh** involved in aforementioned case crime number be released on bail on furnishing a personal bond and two heavy sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

- (i). The applicant will not tamper with the evidence during the trial.
- (ii). The applicant will not pressurize/ intimidate the prosecution witness.
- (iii). The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- (iv). The applicant shall not commit an offence similar to the offence of which he is accused, or suspected of the commission of which he is suspected.
- (v). 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.

12. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

13. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

Order Date :- 6.12.2023

Vikas

[Krishan Pahal, J.]