

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46219 of 2022

Applicant :- Lokendra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Kapil Dev Singh Rathore, Ram Naresh Shukla, Ram Pratap Yadav, Vikram Dev Singh Rathore

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 FIR in question was lodged alleging therein that daughter of informant, aged about 16 years had committed suicide by hanging herself. Subsequently, on the basis of the material collected from the telephone and messages, the view was formed that she had talked with the applicant prior to commit suicide and on the basis of the statement, the applicant was apprehended.

3. It is argued by learned counsel for the applicant that the cause of death shown in the postmortem report is asphyxia due to antemortem injury, which does not support the prosecution story. He further argues that there is no material on record which could form a view that the applicant has instigated or abetted the deceased to commit suicide. It is also argued that abatement as defined under Section 107 of the Indian Evidence Act is not attracted and however, even the mother of the deceased has not supported the prosecution story. He further submits that other co-accused Deependra alias Deepu has already been enlarged on bail by the court below. The applicant is having no criminal history to his credit and he is in jail since 1.6.2022, is entitled to be enlarged on bail.

4. Learned AGA has opposed the bail application.

5. Considering that prima-facie no evidence on record, which could form a view that the applicant has instigated or abated the deceased to commit suicide, hence he is entitled to be enlarged on bail. In view thereof, the application is allowed.

6. Let the applicant **Lokendra Singh** be released on bail in FIR No. 41 of 2021, under Section 305 IPC, P.S. Rajpur, District Rama

Baee Nagar, 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 :- 2.11.2023

Faridul