

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40884 of 2023

Applicant :- Ramkishun@ Ram Krishna Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Mahesh Prasad Yadav, Vivek Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of the second bail application the applicant has prayed to be enlarged on bail in Case Crime No.139 of 2023 at Police Station-Ubhanv, District-Ballia under Sections 147, 148, 149, 323, 302, 34, 120B IPC. The applicant is in jail since 19.04.2023.

The first bail application of the applicant was rejected by this Court on 18.07.2023.

The following arguments made by Shri Vivek Kumar Singh, learned counsel and Shri Mahesh Prasad Yadav, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The applicant is a law abiding citizen who cooperated with the police investigations and had joined the trial.
2. The status report send by the learned trial court records that the prosecution proposes to examine 16 witnesses to bring home the charges against the applicant. However, only two witnesses have been examined till date.

3. The two of the prosecution witnesses have not cooperated with the trial proceedings and have failed to appear before the learned trial court on the appointed dates. The prosecution witnesses are deliberately delaying the trial only to prolonged the incarceration of the applicant.

4. The trial is moving at a snail's pace and shows no signs of an early conclusion.

5. The applicant is not responsible for the delay in the trial.

6. Inordinate delay in the trial will lead to indefinite imprisonment of the applicant without being any evidence against the applicant. Right of the applicant to a speedy trial has been violated.

7. After rejection of the bail application of the applicant, the three co-accused persons namely, Vijay Nath Yadav, Rajesh Yadav, Kalpnath Yadav have been enlarged by this Court on 19.07.2023, 04.08.2023 and 19.07.2023 in Criminal Misc. Bail Application No.29037 of 2023, Criminal Misc. Bail Application No.29345 of 2023 and Criminal Misc. Bail Application No.33167 of 2023 respectively. The applicant is entitled to parity in relief of bail granted to the said co-accused persons.

8. The applicant does not have any criminal history apart from this case.

9. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant-Ramkishun @ Ram Krishna Yadav be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence or influence any witness during the trial.

(ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

However, the learned trial court, Ballia shall ensure full compliance of the order dated 18.07.2023 passed by this Court in Criminal Misc. Bail Application No.29178 of 2023. The learned District Judge, Ballia shall also ensure proper monitor of the trial proceedings.

Order Date :- 6.11.2023

Ashish Tripathi