

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43178 of 2023

Applicant :- Munsab @ Munsu

Opposite Party :- State of U.P.

Counsel for Applicant :- Rahul Singh Tomar

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Rahul Singh Tomar, learned counsel for the applicant who has filed supplementary affidavit which is taken on record, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Sessions Trial No.459 of 2012 arising out of Case Crime No.83 of 2012, under Section 307 IPC, Police Station Doghat, District Baghat, during the pendency of trial.

3. It is a case of abscondence. From perusal of the order sheet it transpires that since 02.03.2021 the applicant was absconding and after issuance of strict process he was arrested on 24.07.2023. According to the learned counsel for the applicant, the applicant had gone in another State for his livelihood.

4. From the record it transpires that though it was a case of the year 2012 but since then no witness could be produced by the prosecution in nine years before abscondence of the applicant. The personal presence of the applicant was also not necessary in case his counsel would have moved an exemption application. There is criminal history of two cases against the applicant which has been properly explained in paragraph-2 of the supplementary affidavit. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 27.07.2023. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has vehemently opposed the bail application but he could not dispute the submission advanced by the counsel for the applicant.

5. Having regard to the facts, circumstances and the submissions

made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicant - **Munsab @ Munsu**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

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

8. However, ADJ-IV, Baghpat is directed to conclude the case i.e. ST No.459 of 2012 within six months from today positively and thereafter a compliance report would also be sent to this Court through Registrar (Compliance).

Order Date :- 24.11.2023
Shahroz