

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51371 of 2022

Applicant :- Vishnu Soni@ Vijay

Opposite Party :- State of U.P.

Counsel for Applicant :- Ghan Shyam,Krishan Mohan Mishra,Vivek Mishra

Counsel for Opposite Party :- G.A.,Dilendra Pratap Singh,Umesh Kumar
Vishwakarma

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No.131 of 2022 at Police Station-Kotwali, District-Etawah under Sections 307, 306, 323, 506 IPC. The applicant is in jail since 13.06.2023.

The bail application of the applicant was rejected by the learned trial court on 20.10.2022.

The following arguments made by Shri Akash Mishra, learned counsel Krishan Mohan Mishra, 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 F.I.R. is the result of petty neighbourhood dispute.
2. The F.I.R. was lodged alleging an attempt on the life of the victim and her mother. However, no injuries were sustained by the said persons.
3. When the false implication in the aforesaid case failed,

the deceased became depressed.

4. The deceased evidently died of natural causes, inasmuch as, the post mortem report opines that the cause of death is cardiac arrest.

5. The applicant did not abet or instigate the deceased to commit suicide.

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

7. The applicant claims congruency in role and seeks parity in relief granted to the co-accused-Kunal Soni who has been granted bail by this Court on 03.01.2023 in Criminal Misc. Bail Application No.45106 of 2022.

8. 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- Vishnu Soni@ Vijay 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.

Order Date :- 13.10.2023

Ashish Tripathi