

**Court No. - 70**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 43653 of 2023

**Applicant :-** Amandeep Sagar

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Adesh Kumar

**Counsel for Opposite Party :-** G.A.

**Hon'ble Sameer Jain,J.**

1. Heard Sri Adesh Kumar, learned counsel for the applicant and Sri Tanay Kumar, learned AGA, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.607 of 2020, under Sections 364. 34,302,147,120-B and 201 IPC, Police Station Kankarkhera, District Meerut during pendency of the trial.
3. FIR of the present case was lodged on 11.7.2020 against the applicant and four others and according to the FIR, applicant along with co-accused Vikas @ Vicky @ Chausath and Arvind @ Guddu had taken the son of the informant on 25.6.2020 and thereafter his son did not return. It is further mentioned in the FIR that informant was having suspicion that applicant and other co-accused persons have committed the murder of his son.
4. Learned counsel for the applicant submits that on the basis of evidence of last seen applicant has been made accused in the present matter after more than two weeks and although before lodging the FIR informant himself moved a missing report to Police on 26.6.2023, i.e., next day but in that report he did not even disclose the name of applicant and after two weeks on the basis of false allegation of evidence of last seen he lodged FIR of

the present case against the applicant and others.

5. He further submits that in the present matter except the evidence of last seen and confessional statement of applicant and the statement of co-accused persons there is no other evidence against the applicant on record.

6. He further submits that admittedly nothing has been recovered either from the possession of applicant or on his pointing out.

7. He further submits that during investigation the name of co-accused Vishal was revealed and although his first bail application was dismissed by this Court but subsequently when he filed second bail application then his second bail application has been allowed by this Court.

8. He further submits that bail application of other co-accused persons including co-accused Vikas @ Vicky @ Chausath, who was also named in the FIR has already been allowed by Coordinate Bench of this Court.

9. He further submits that bail application of co-accused persons including the bail application of co-accused Vikas @ Vicky @ Chausath has been annexed as Anneure-6 to the affidavit filed in support of the present bail application.

10. He further submits that case of applicant is at par with co-accused Vikas @ Vicky @ Chausath.

11. He further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 17.7.2020, i.e., for more than three years.

12. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail but could not dispute the argument on facts advanced by the learned counsel for the applicant.

13. I have heard learned counsel for the parties and perused the record of the case.

14. It is a case of circumstantial evidence and it appears from the record that except the evidence of last seen and confessional statement of applicant and the statement of co-accused persons before the Police there is no other evidence against the applicant on record.

15. Further, FIR of the present case was lodged after more than two weeks and when next day missing report was lodged by informant then he did not raise any suspicion against the applicant.

16. Further, the bail applications of co-accused Vikas @ Vicky @ Chausath and others have been allowed by different Coordinate Benches of this Court and the case of applicant is at par with them.

17. Further, applicant is not having any previous criminal history and in the present matter he is in jail since 17.7.2020, i.e., for more than three years.

18. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

19. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

20. Let the applicant-**Amandeep Sagar** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

21. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

22. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

**Order Date :- 30.10.2023**  
SKM