

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44164 of 2023

Applicant :- Ram Sanehi

Opposite Party :- State of U.P.

Counsel for Applicant :- Munna Babu, Ram Chandra

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Munna Babu and Sri Ram Chandra, learned counsels for the applicant, learned AGA for the State-respondent and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 45-A of 1996, under Sections 147, 323, 504, 427, 436, 325, IPC, Police Station- Bahariya, District- Prayagraj, during the pendency of trial.
3. Counsel for the applicant submits that the applicant is wholly innocent and he has been falsely implicated in the present case due to village party bandi. Learned counsel for the applicant further submits that applicant was not knowing about the summoning order and was living in Delhi for livelihood for himself and for his family. Even he could not know about the lodgement of Cross Case No. 45-A of 1996, under Sections 147, 323, 504, 427, 436, 325 I.P.C. lodge by the informant, later on by way of Application under Section 156 (3) Cr.P.C. No house hold articles were kept in the hut and no person was living therein and therefore Section 456 I.P.C would not apply in the case. It may come under Section 435 I.P.C. The applicant is in jail since 13.08.2023 and in case he is enlarged on bail, he undertakes to cooperate in the trial.
4. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the submissions made above and the fact that the applicant has remained confined for almost two and half months and after submission of the charge-sheet, there is no hope of early conclusion of trial. Moreso when no reasonable

apprehension has been brought by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Considering the old pendency of the concerned case pending before court concerned, it would be decided by the concerned Court within a period of six months and the date of listing shall be given on day to day basis.

7. Let the applicant- **Ram Sanehi**, involved in the aforesaid case 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.

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

Order Date :- 3.11.2023

Vinod.