

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44153 of 2023

Applicant :- Vinod

Opposite Party :- State of U.P.

Counsel for Applicant :- Anurag Yadav, Mahendra Pratap

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

Learned A.G.A contends that no instructions have been forthcoming from the police authorities.

Liberty of citizens is too sacrosanct and cannot be held to ransom by apathy of the police officials. There is no cause for failing to provide instructions to the learned Government Advocate despite advance notice of the bail application.

The Superintendent of Police, Baghpat shall take appropriate action against the erring police officials for failing to send appropriate instructions to the learned Additional Government Advocate despite advance notice of bail application and violating the directions of this Court in **Sahil Vs. State of U.P. (Criminal Misc. Bail Application No. 19839 of 2021)** as well as in **Aditya Dubey alias Sachin Vs. State of U.P. (Criminal Misc. Bail Application No. 17969 of 2022)** and the consequential orders passed by the Director General of Police, Government of U.P, Lucknow.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 165 of 2021 at Police Station- Binauli, District- Baghpat, under Section 302, 201 IPC. The applicant is in jail since 25.05.2021.

The bail application of the applicant was rejected by the learned trial court on 13.09.2021.

The following arguments made by Shri Anurag Yadav, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Rishi Chaddha, learned AGA from the record, entitle the applicant for grant of bail:

1. The prosecution case does not identify the applicant as the principal offender who discharged his firearm and shot dead the deceased.
2. The applicant was nominated only to wreak vengeance against him as the principal offender was his son.
3. The other co-accused person namely Sachin has been enlarged on bail by this Court by order dated 16.08.2023 in Criminal Misc. Bail Application No. 48062 of 2021. The case of the applicant stands at a better footing but he seeks parity for grant of bail.
4. The applicant has explained his criminal history. It is also contended that the applicant is a convenient scapegoat for the police authorities. The applicant

has been falsely nominated in a solitary case only to show the proficiency of the police investigators. The said case does not have any bearing on the instant bail application.

5. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial 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- **Vinod** 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 :- 17.10.2023
Vandit