

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44243 of 2023

Applicant :- Santosh Alias Yaduvendra Dhar

Opposite Party :- State of U.P.

Counsel for Applicant :- Maya Pati Pandey, A Kumar Srivastava

Counsel for Opposite Party :- G.A., Surendra Prasad Yadav

Hon'ble Umesh Chandra Sharma, J.

1. Heard Shri Mayapati Pandey, learned counsel for the applicant, learned A.G.A. for the State, Surendra Prasad Yadav, learned counsel for the first informant and perused the record.

2. The present application under Section 439 Cr.P.C. has been filed seeking bail in Case Crime No.0019 of 2023, under Sections 147, 148, 149, 323, 504, 506, 325, 307/34 I.P.C., Police Station Pathra Bazar, District Siddharth Nagar.

3. Learned counsel for the accused-applicant submitted that the applicant is innocent and has been falsely implicated in the instant case due to malafide intentions. He next submitted that the charge-sheet has been submitted against accused Amit, Neeraj and Rajendra and the investigation is going on against accused Santosh, Manish, Nandlal and Vijay. It appears from the record that only general role have been assigned to all the accused persons. No specific role has been assigned to the present accused-applicant though he is an accused of Section 304-A I.P.C. It is admitted case of the prosecution that accidental death of the son of the informant was occurred. He further submits that the named and charge-sheeted co-accused Amit & Neeraj and Rajendra have already been enlarged on bail by Co-ordinate Benches of this

Court, vide orders dated 27.06.2023 & 21.07.2023 passed in Criminal Misc. Bail Application Nos.27455 of 2023 & 31971 of 2023, respectively. Copy of the bail orders are on record. He further submits that so far as the grievous injury on the head of the injured Rajaram is concerned, it is nowhere mentioned by any of the witness that the said injury was caused by the present accused-applicant. Applicant has criminal history of one case of Section 304-A I.P.C., in which he is on bail. Copy of the bail order is on record. Applicant is languishing in jail since 25.8.2023. There is no likelihood of his abscondence or tampering with the evidence, therefore, the accused-applicant may be enlarged on bail.

4. Learned AGA has vehemently opposed the bail application but he could not dispute the submission made above.

5. Considering the facts, circumstances and the submissions made above, this Court is of the view that the applicant has made out a fit case for grant of bail. Accordingly, the bail application is **allowed**.

6. Let the applicant - **Santosh Alias Yaduvendra Dhar**, 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.

Order Date :- 28.10.2023/Zafar