

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44231 of 2023

Applicant :- Anil Kumar Patel @ Harihar Patel

Opposite Party :- State of U.P.

Counsel for Applicant :- Mukesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 0123 of 2023 at Police Station-Industrial Area, District-Prayagraj under Sections 302, 201 IPC. The applicant is in jail since 23.06.2023.

The bail application of the applicant was rejected by the learned trial court on 04.08.2023.

The following arguments made by Shri Mukesh Kumar, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Chandan Agrawal, learned AGA from the record, entitle the applicant for grant of bail:

1. Delay in lodgment of the FIR in the facts and circumstances of this case is fatal to the prosecution case.
2. According to the first informant, the applicant was last seen with the deceased prior to his disappearance for more than a fortnight ago. However, he failed to lodge missing report or first information report in time.

3. The body was recovered from a railway line.
4. The postmortem report opines that the nature of antemortem injuries were in the nature of crush injuries. The victim was crushed in the railway track.
5. There is no direct evidence against the applicant.
6. This is a case of circumstantial evidence. No incriminating article has been recovered from the applicant.
7. The applicant does not have any criminal history apart from this case.
8. 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 - **Anil Kumar Patel @ Harihar Patel** 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

Jaswant