

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44660 of 2023

Applicant :- Lalit

Opposite Party :- State of U.P.

Counsel for Applicant :- Indra Raj

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 445 of 2021 at Police Station- Chhata, District- Mathura, under Sections 302, 201 IPC. The applicant is in jail since 11.08.2023.

The bail application of the applicant was rejected by the learned trial court on 29.09.2023.

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

1. The applicant was not named in the FIR which was got lodged on 24.12.2021.
2. The prosecution case set out in the FIR merely records that the body of the deceased was found near a drain.
3. The post mortem report recorded that she had

died due to asphyxia as a result of throttling.

4. The applicant was not nominated as an accused after the investigation. To the contrary final report was filed in the said case.

5. Subsequently, another investigation was ordered with the same result.

6. The applicant was falsely nominated by the police authorities of Palwal after he was detained by them in a false case and had declined to fulfill their demand of illegal gratification.

7. The body of the deceased was wrongly identified by the husband of one Ranibai.

8. 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.

9. 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- **Lalit** 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 :- 7.11.2023

Vandit