

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45215 of 2023

Applicant :- Ashish

Opposite Party :- State of U.P.

Counsel for Applicant :- A.T. Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No. 363 of 2022 at Police Station Farenda, District Maharajganj under Sections 323, 504, 506, 304 I.P.C. The applicant is in jail since 20.12.2022.

The bail application of the applicant was rejected by the learned trial court on 18.01.2023.

The following arguments made by Shri A. T. Pandey, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Shrawan Kumar Dubey, learned AGA from the record, entitle the applicant for grant of bail:

1. The F.I.R. assigns a vague and general role to the applicant in the incident.
2. The applicant has not been identified as the principal offender who inflicted the fatal injuries on the deceased.
3. A vague and general role has been assigned to the applicant in the F.I.R.
4. One lathi was planted on the applicant to frame him in

the instant case to burnish the credentials of the police investigators.

5. There is no independent witness to the recovery.

6. Recovered item cannot be connected with the crime.

7. No forensic science laboratory report drawn up in accordance with the latest scientific protocol by experts which confirms that bloodstains, if any, on the said article were those of the deceased has been produced by the prosecution.

8. Prosecution evidence does not connect the applicants with the offence.

9. Learned counsel for the applicant claims congruency in role and seeks parity in relief granted to co-accused Kamaldeep @ Pappu who has been granted bail by this Court on 04.10.2023 in Criminal Misc. Bail Application No. 40372 of 2023.

10. The applicant does not have any criminal history apart from the instant case.

11. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertake 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- Ashish 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 :- 27.10.2023

Pravin