

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45188 of 2023

Applicant :- Pramila

Opposite Party :- State of U.P.

Counsel for Applicant :- Avanish Kumar Srivastava, Anand Srivastava

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. 437 of 2023 at Police Station- Ramgarhtaal, District- Gorakhpur, under Sections 147, 148, 149, 302, 307, 342, 323, 504, 506, 34 IPC. The applicant is in jail since 20.07.2023.

The bail application of the applicant was rejected by the learned trial court on 13.10.2023.

The following arguments made by Shri Avanish Kumar Srivastava, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. Vague and general role has been assigned to the applicant.
2. The applicant has not been identified as principal offender who inflicted fatal injuries causing death of the deceased.
3. The applicant claims congruency in role and seeks

parity in relief granted to the co-accused-Smt. Rubi has been enlarged on bail by this Court on 04.10.2023 in Criminal Misc. Bail Application No.41165 of 2023.

4. The applicant is a woman, hence her case is also distinguishable from the other co-accused.

5. The applicant does not have any criminal history apart from this case.

6. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to cooperate with the court proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

Learned A.G.A contends that no instructions have been forthcoming.

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 Senior Superintendent of Police, Gorakhpur 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.

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-Pramila 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
Ashish Tripathi