

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46258 of 2023

Applicant :- Subhash Chandra

Opposite Party :- State of U.P.

Counsel for Applicant :- Sheshadri Trivedi, Ajay Kumar Pandey, Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Shri Satyam Singh, Advocate has filed his Vakalatnama on behalf of informant, which is taken on record.
2. Supplementary affidavit filed on behalf of applicant in the Court today is taken on record.
3. Heard Sri Satish Trivedi, learned Senior Advocate assisted by Sri Ajay Kumar Pandey, learned counsel for the applicant, Sri Shiv Nath Singh, learned Senior Advocate assisted by Sri Satyam Singh and Kunwar Akhilesh Singh, learned counsel for the informant, learned AGA and perused the record.
4. In pursuance of an application under Section 156(3) Cr.P.C. the first information report was lodged against four named and two unknown persons, including present applicant, alleging that on 12.11.2010 at about 9:30 A.M. all the persons, who were armed with country made pistols started assaulting Ram Shankar and when he tried to save himself ran towards tube well of Pratap Singh, then all the accused persons started firing at him and when the informant and other tried to save then accused persons with intention to kill fired at them. The deceased Ram Shankar died at the spot.
5. Learned counsel for the applicant submits that the applicant has filed an application under Section 482 Cr.P.C. being application no. 38541 of 2016, in which an interim order was passed on 23.1.2017 by this Court. It is argued that although the case is still pending and an application for extension of stay was filed however, a no order could be passed. The trial court in view of the law laid down in the case of ***Asian Resurfacing of Road Agency Pvt. Ltd. and another vs. Central Bureau of Investigation***, AIR 2019 SC 2039 issued non-bailable warrant against the applicant and the applicant was arrested.
6. In view of the fact that application of extension of stay is still

pending and the applicant was arrested only on the basis of law laid down in the case of ***Asian Resurfacing*** (supra), the applicant who is in jail since 22.9.2023 is entitled to be enlarged on bail.

7. Learned AGA has opposed the bail application.

8. Considering the fact that application of extension of stay is still pending and the applicant was arrested only on the basis of law laid down in the case of ***Asian Resurfacing*** (supra) In view thereof, the application is allowed.

9. Let the applicant **Subhash Chandra** be released on bail in FIR No. 20 of 2011, under sections 147, 148, 149 and 307 I.P.C., P.S. Barnahal, district-Mainpuri, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 2.11.2023

Faridul