

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46396 of 2023

Applicant :- Ravi Upadhyay

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjeev Kumar Sharma

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. 274 of 2023 at Police Station- Panki, District- Kanpur Nagar under Sections 306, 406, 420 IPC. The applicant is in jail since 08.07.2023.

The bail application of the applicant was rejected by the learned trial court on 28.08.2023.

The following arguments made by Shri Sanjeev Kumar Sharma, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri S.K. Srivastava, learned counsel on behalf of the informant and Sri Chandan Agarwal, learned AGA from the record, entitle the applicant for grant of bail:

1. The applicant and the deceased had business relations.
2. The deceased suffered financial setback in his business. He became depressed.
3. On the fateful day, he succumbed to depression and took the extreme step of ending his life. He committed

suicide by hanging.

4. The postmortem report opines the cause of death as asphyxia due to antemortem hanging.

5. Injuries depicted in the postmortem report consistent with hanging are:

(i) Nature of ligature mark.

(ii) The hyoid bone was intact.

6. The applicant did not aid or abet the suicide.

7. Prosecution evidence do not connect the applicant with the offence.

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

9. The applicant is not flight risk. The applicant being law abiding citizen have always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of their influencing witnesses, tampering with the evidence or reoffending.

Learned AGA 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 Deputy Commissioner of Police, Kanpur Nagar shall take appropriate action as per law also for failure to provide timely 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- **Ravi Upadhyay** 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 :- 2.11.2023

Jaswant