

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46413 of 2023

Applicant :- Sonu

Opposite Party :- State of U.P.

Counsel for Applicant :- Ravish Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 271 of 2021 at Police Station-Loni Border, District-Ghaziabad under Sections 328,304,379, 511 I.P.C. The applicant is in jail since 05.05.2021.

The bail application of the applicant was rejected by the learned trial court on 07.08.2023.

The following arguments made by Shri Ravish Kumar Singh, 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. Delay in lodgement of the F.I.R. in the facts and circumstances of this case is fatal to the prosecution case.
2. The applicant did not administer any poisonous substance to the deceased.
3. The deceased was under treatment at the time of his

death.

4. The deceased died due to cardio sudden respiratory arrest.

5. Attempts to revive him at the hospital failed.

6. No dying declaration was recorded despite the fact that he was in hospital.

7. There is no direct evidence against the applicant. This is a case of circumstantial evidence.

8. Chain of incriminating circumstances against the applicant is not complete.

9. Prosecution evidence does not connect the applicant with the offence.

10. The applicant claims congruency in role and seeks parity in relief granted to the co-accused Praveen who has been enlarged on bail by this Court by order dated 22.12.2022 in Criminal Misc. Bail Application No. 41219 of 2021.

11. The applicant has explained his criminal history. It is also contended that the applicant belongs to the economically poor strata of the society and is a convenient scapegoat for the police authorities. The applicant has been falsely nominated in a number of cases only to show

the proficiency of the police investigators. The said cases do not have any bearing on the instant bail application.

13. 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.

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- **Sonu** 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