

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47234 of 2023

Applicant :- Manoj Kumar Rajpoot

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajay Sengar

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.
2. Heard Sri Ajay Sengar, learned counsel for the applicant and Sri Brijesh Pratap Singh, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 0104 of 2021, under Sections 376D IPC, Police Station Kotwali Konch, District Jalaun during pendency of the trial.
4. Learned counsel for the applicant submitted that although applicant was named in the FIR along with other accused person but no charge-sheet was filed against him as during investigation his involvement was found false and charge-sheet was filed against co-accused Nandu @ Narendra Rajput and Kinchu Rajput @ Nandkishor Rajput and during trial when informant and two other witnesses of the case appeared before the trial court then they reiterated version of the FIR and thereafter under Section 319 Cr.P.C. applicant was summoned in the present matter.
5. He further submits that co-accused Kinchu Rajput @ Nandkishor Rajput and Nandu @ Narendra Rajput against whom charge-sheet was filed, have already been enlarged on bail by the co-ordinate Benches of this Court. He produced the bail order of both the accused persons, which are taken on record and marked as 'A'. He next submits that case of applicant is on better footing than co-accused Kinchu Rajput @ Nandkishor Rajput and Nandu @ Narendra Rajput.
6. He further submits that applicant is not having any previous criminal history and in the present matter is in jail since 30.09.2023.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that applicant was summoned under Section 319 Cr.P.C. and charge-sheeted accused have already been released on bail by the co-ordinate Benches of this Court.

8. I have heard learned counsel for the parties and perused the record of the case.

9. Considering the fact that applicant was summoned in the present matter under Section 319 Cr.P.C. and two co-accused Kinchu Rajput @ Nandkishor Rajput and Nandu @ Narendra Rajput against whom charge-sheet was filed, have already been released on bail by the co-ordinate Benches of this Court and applicant is not having any previous criminal history, in my view, applicant is entitled to be released on bail.

10. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

11. Let the applicant - **Manoj Kumar Rajpoot** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

12. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

13. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 17.11.2023
AK Pandey