

**Court No. - 70**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 46560 of 2023

**Applicant :-** Monu @ Manoj @ Amit

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Anish Kumar Singh

**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 Anish Kumar Singh, learned counsel for the applicant and Sri Jhamman Ram, learned AGA for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 192 of 2013, under Sections 147, 148, 149, 307, 302 IPC, Police Station- Kankarkhera, District- Meerut, during pendency of the trial in the court below.
4. FIR of the present case was lodged against six persons (non applicant) on 09.03.2013 and according to the FIR, nominated accused persons due to election enmity, opened indiscriminate firing and due to the fire opened by them, one Anil died and one Vipin sustained injuries.
5. Learned counsel for the applicant submitted that applicant was not named in the FIR and during investigation, when co-accused Yogesh Bhadoda was arrested then he disclosed the name of the applicant and stated that applicant is the member of his gang. He further submitted that except the statement of co-accused Yogesh Bhadoda, there is no other evidence against the applicant on record.
6. He further submitted that neither informant nor any other witness stated against the applicant and during investigation, the case of applicant was separated with other accused persons including co-accused Yogesh Bhadoda and unfortunately, his trial is still pending but co-accused Yogesh Bhadoda, Amit @ Leelu, Gaurav @ Bhura and Ankit have been acquitted by the trial court vide order dated 11.03.2019.

7. He further submitted that although, applicant is having criminal history of five cases but his criminal history has been explained in the supplementary affidavit and he is in jail in the present matter since 29.06.2013 i.e. for last almost ten and half years.

8. Per contra, learned AGA although, opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

10. However, applicant is having criminal history of five cases and he said to be the member of history sheeter Yogesh Bhadoda but in the present matter, he is in jail for last almost ten and half years and his criminal history has been explained in the supplementary affidavit.

11. Further, applicant was not named in the FIR and it appears that in the statement of co-accused Yogesh Bhadoda his complicity was revealed and co-accused Yogesh Bhadoda and three others have already been acquitted by the trial court and trial of applicant could not be concluded.

12. Therefore, considering the facts and circumstances of the case discussed above, particularly the fact that applicant is in jail for last almost ten and half years, in my view applicant is entitled to be released on bail.

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

14. Let the applicant- **Monu @ Manoj @ Amit** 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.

15. 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.

16. 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**

KK Patel