

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47197 of 2023

Applicant :- Pramod Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Aishwarya Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Aishwarya Pratap Singh, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 850 of 2023, under Sections 306 IPC, Police Station Kwarsi, District Aligarh during pendency of the trial.
3. FIR of the present case was lodged against applicant under Section 306 IPC and according to the FIR applicant used to harass the sister of the informant and also received money by enticing her and on 17.08.2023, the sister of the informant committed suicide.
4. Learned counsel for the applicant submitted that on the basis of false allegation of torture, harassment and abatement applicant has been made accused in the present matter. He further submits that there is no cogent evidence against the applicant on record which can show that due to the abatement of the applicant, deceased committed suicide and on the basis of vague allegation, applicant has been made accused in the present matter.
5. He further submits that applicant and deceased were friends and their friendship was not liked by the sister of the deceased and she very often scolded the deceased and due to this reason deceased committed suicide by hanging herself.
6. He further submits that applicant is not having any criminal history and in the present matter he is in jail since 20.08.2023.
7. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for

the applicant.

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

9. Considering the fact that there is no cogent evidence against the applicant on record which can show that due to the abatement of the applicant deceased committed suicide and from perusal of the FIR and other evidence available on record, it appears that on the basis of vague allegation, applicant has been made accused in the present matter, 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 - **Pramod Kumar** 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