

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46892 of 2023

Applicant :- Hetram

Opposite Party :- State of U.P.

Counsel for Applicant :- Sher Bahadur Yadav

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.71 of 2023 at Police Station-Zarif Nagar, District-Budaun under Sections 147, 148, 149, 307, 302, 323, 504 IPC and Section 7 of the Criminal Law Amendment Act. The applicant is in jail since 26.02.2023.

The bail application of the applicant was rejected by the learned trial court on 01.06.2023.

The following arguments made by Shri Sher Bahadur Yadav, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Paritosh Kumar Malviya, learned AGA-I from the record, entitle the applicant for grant of bail:

1. The four persons namely, Satyapal, Bhurran, Reshampal and Radhey Shyam have been identified as the principal offenders in the F.I.R. who wielded weapons and discharged their firearms causing the death of the deceased persons and inflicted gun shot injuries on others.

2. The applicant has not been named as a principal offender.
3. The applicant has been assigned as a person who was wielding lathi. However, none of the deceased has suffered any lathi injury.
4. The applicant claims congruency in role and seeks parity in relief granted to the co-accused-Dalveer who has been enlarged on bail by this Court by order dated 13.10.2023 in Criminal Misc. Bail Application No.43687 of 2023.
5. The case of the applicant is distinguishable from the other co-accused persons who have been assigned the role of firing.
6. The applicant has explained his criminal history. It is also contended that the applicant is a convenient scapegoat for the police authorities. He was falsely implicated by the police in the said cases and they have no bearing on the instant bail application.
7. 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- Hetram 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 :- 3.11.2023

Ashish Tripathi