

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46824 of 2023

Applicant :- Sanjay @ Chotu Harijan

Opposite Party :- State of U.P.

Counsel for Applicant :- Siddhartha Baghel, Akhilendra 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.37 of 2023 at Police Station-Raipur, District-Sonebhadra under Sections 302, 307, 333, 353, 472, 34 IPC and Sections 3/5A/8 of the U.P. Prevention of Cow Slaughter Act. The applicant is in jail since 18.06.2023.

The bail application of the applicant was rejected by the learned trial court on 12.07.2023.

The following arguments made by Shri Siddhartha Baghel, 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 applicant was not named in the F.I.R.
2. The applicant was not driving the offending vehicle. He is not owner or driver of the vehicle which followed the offending vehicle.
3. In the statement of the police witness, one Vinod Yadav

has been identified as the principal offender who rashly drove the vehicle over the police post resulting in the death of one police constable.

4. No incriminating vehicle has been recovered from the applicant.

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

6. The applicant does not have any criminal history apart from this case.

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.

Learned AGA contends that the applicant has criminal history of two more cases.

Rejoining this issue, learned counsel for the applicant contends that the applicant is in jail. He is a poor agricultural labourer. He does not have an effective pairokar. Hence, details of the case could not be obtained and stated in the bail application. However, relying on the records available with the learned AGA and the instructions received from his client, learned counsel for the applicant submits that the applicant was falsely nominated in the said cases. The said cases do not depict

commission of heinous crime and have no bearing on the instant bail application.

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-Sanjay @ Chotu Harijan 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