

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47430 of 2023

Applicant :- Rahul Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Sanjay Srivastava, learned counsel for the applicant and Sri Amar Nath Vishwakarma, learned Brief Holder for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 149 of 2023, under Sections 306 IPC, Police Station Barla, District Aligarh, during pendency of the trial in the court below.

3. FIR of the present case was lodged against the applicant under section 306 IPC and according to the FIR due to the blackmailing of the applicant, sister of the informant committed suicide.

4. Learned counsel for the applicant submitted that on the basis of false allegations, applicant has been made accused in the present matter.

5. He further submitted that although as per allegation applicant tortured the deceased by making pressure upon her to develop relationship with him but except verbal allegation, there is no evidence against the applicant in this regard.

6. He further submitted that there is no cogent evidence against the applicant on the basis of which this Court can infer that due to abetment of applicant deceased committed suicide.

7. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 11.8.2023.

8. Per contra, learned AGA opposed the prayer for bail and submitted that due to the conduct of the applicant, deceased committed suicide and therefore, he should not be released on bail.

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

record of the case.

10. However, as per allegation due to the conduct of the applicant, deceased committed suicide but there is no cogent evidence on the record which can suggest that due to the abetment of the applicant, deceased committed suicide, therefore, in my view applicant is entitled to be released on bail.

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

12. Let the applicant-**Rahul 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.

13. 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.

14. 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 :- 7.11.2023

Ankita