

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49168 of 2023

Applicant :- Nand Ram Alias Loodi

Opposite Party :- State of U.P.

Counsel for Applicant :- Kamlesh Kumar Tiwari,Himanshu Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Kamlesh Kumar Tiwari, learned counsel for the applicant and Dr.S.B.Maurya, learned AGA-I, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.06 of 2023, under Sections 302, 201 and 34 IPC, Police Station Kotwali, District Jhansi during pendency of the trial.
3. FIR of the present case was lodged against the applicant and eight others and according to the FIR, brother of the informant had gone from his house on 12.1.2023 but did not return and thereafter on 14.1.2023 his dead body was found in Datiya (Madhya Pradesh) and thereafter FIR of the present case was lodged against the applicant and eight others on the basis of suspicion.
4. Learned counsel for the applicant submits that except suspicion and confessional statement of the applicant, there is no other evidence against the applicant on record.
5. He further submits that in the FIR along with applicant eight other persons were also made accused but all of them have been released on bail. He placed the bail orders of co-accused persons during the course of argument which are taken on record and collectively marked as "A".
6. He further submits that the case of applicant is at par with them.

7. He further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 17.1.2023, i.e., for the last almost 11 months.

8. Per contra, learned AGA although opposed the prayer for bail but could not dispute the fact that except suspicion and confessional statement of the applicant, there is no other evidence against the applicant on record.

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

10. Considering the fact that except suspicion and confessional statement of the applicant and other co-accused persons before the police, there is no other evidence against the applicant on record and all other co-accused persons have already been enlarged on bail, 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-**Nand Ram @ Loodi** 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 :- 4.12.2023

SKM