Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48573 of 2023

Applicant :- Vosindra @ Sikandar
Opposite Party :- State of U.P.
Counsel for Applicant :- Pradeep Kumar,Chandra Prakash
Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Pradeep Kumar, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 166 of 2019, under Sections 302, 201 IPC, Police Station- Ramghat, District- Bulandshahr, during pendency of the trial in the court below.

3. FIR of the present case was lodged on 05.11.2019 against two persons (non applicant) and their unknown associates and according to the FIR on 28.09.2019, son of the informant had gone somewhere from his home about 8:00 p.m. in the night and thereafter he could not be traced and on 07.10.2019 informant lodged a missing report with regard to his son. It is further mentioned in the FIR that subsequently informant came to know that on 28.09.2019 nominated accused persons alongwith their unknown associates, after committing the murder of his son, threw his dead body in river Ganges.

4. Learned counsel for the applicant submitted that applicant was not named in the FIR but during investigation his complicity was revealed on the ground that he also involved alongwith principal accused Pawan but no charge sheet was filed against him and charge sheet was filed only against co-accused Pawan, who was named in the FIR but during trial when witnesses appeared before the trial court then on the basis of their testimony, applicant was summoned under Section 319 Cr.P.C. He further submitted that principal accused Pawan, against whom charge sheet was filed, has been released on bail by this Court.

5. He further submitted that applicant is not having any criminal history and he is in jail since 24.09.2023.

6. Per contra, learned AGA although, opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

8. Considering the fact that it is a case of circumstantial evidence and applicant was not named in the FIR, however, during investigation, his complicity was revealed but no charge sheet was filed against him and he was summoned under Section 319 Cr.P.C. and principal accused Pawan has already been released on bail, in my view, applicant is entitled to be released on bail.

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

10. Let the applicant- **Vosindra @ Sikandar** 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.

11. 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.

12. 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 :- 22.11.2023
KK Patel

Digitally signed by :-
KRISHN KANT PATEL
High Court of Judicature at Allahabad