

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48943 of 2023

Applicant :- Sarvajeet

Opposite Party :- State of U.P.

Counsel for Applicant :- Shahzad Alam, Gulhuma

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Shahzad Alam, learned counsel for the applicant, Sri Deepak Kumar Singh, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.136 of 2023, under Sections 307, 323, 498-A, 504, 506 I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Kotwali Jogiya Udaipur, District Siddharth Nagar, during the pendency of trial.
4. As per prosecution story, the marriage of the daughter of the informant was solemnized with the brother of the applicant Ramjeet as per Hindu Rites in the year 2016. The applicant and other co-accused persons are stated to have subjected her to cruelty for demand of dowry and as such, on 29.09.2023 at about 8:00 a.m., the applicant and other co-accused persons are stated to have assaulted her causing grievous injuries to her with an intention to cause her death. Somehow she could save herself.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. The husband of the informant is imbecile, as such the present FIR has been instituted just to put pressure on the applicant and other family members. Interestingly, the said husband Ramjeet has also been made an accused in the present case. Learned counsel has further stated that as per the supplementary report, the injuries were found to be simple in nature.
6. Learned counsel for the applicant has further stated that the applicant has no criminal antecedents to his credit. Several other submissions have been made on behalf of the applicant to

demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. The applicant is languishing in jail since 01.10.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned A.G.A. has vehemently opposed the bail application.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

9. Let the applicant- **Sarvajeet**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with evidence.

(ii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

Order Date :- 24.11.2023

Ravi Kant

(Krishan Pahal, J.)