

Court No. - 77

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49859 of 2023

Applicant :- Smt. Sanju Manjhi @ Ranjana And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Manoj Kumar Sahu

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Renu Agarwal,J.

Supplementary affidavit filed by learned counsel for application today, is taken on record.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The present first bail application under Section 439 Cr.P.C. has been filed on behalf of the applicant in Case Crime No. 215 of 2023 under Sections 2/3 of the U.P. Gangsters & Antisocial Activities (Prevention) Act, 1986 Police Station Govind Nagar, District- Mathura with the prayer to enlarge him on bail.

Learned counsel for the accused-applicants submitted that the applicants are innocent and has been falsely implicated in the instant case due to malafide intentions. According to gang-chart (Annexure No.2), only one similar case has been registered against the accused-applicants in which they are enlarged on bail by this Court vide order dated 17.10.2023 passed in Criminal Misc. Bail Application No. 41022/2023. Copy of the bail order is annexed with the supplementary affidavit and marked as Annexure No. SA-1. Except the present case, applicants have no criminal history. Applicants are languishing in jail since 17.06.2023 and if they are granted the liberty of bail they will not misuse the same and would cooperate in the trial proceedings.

On the other hand, learned AGA has opposed the prayer of bail but could not controvert the aforesaid arguments as advanced by learned counsel for the applicant.

Considering the facts and circumstances of the case and taking into account the fact that according to gang-chart (Annexure No.2), only one similar case has been registered against the accused-applicants in which they are enlarged on bail by this Court vide order dated 17.10.2023 passed in Criminal Misc. Bail Application No. 41022/2023. Copy of the bail order is annexed with the supplementary affidavit and marked as Annexure No. SA-1. Except the present case, applicants have no criminal history. Applicants are languishing in jail since 17.06.2023. Without expressing any opinion on the merit of the case, it would be appropriate to enlarge the accused-applicant on bail. Sentence of applicant no. 2 Peetam Singh Manjhi @ Chhotu, local surety shall be taken into subject to the satisfaction of the court concerned, should be considered after verification.

Let applicants **Smt. Sanju Manjhi @ Ranjana & Peetam Singh Manjhi @ Chhotu** be released on bail in the above case crime number and on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions :-

(i) The applicants shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicants shall remain present before the trial court on

each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicants misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) 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.

(v) The applicants shall also furnish an undertaking from the sureties that the properties (movable/immovable) which are the basis of accepting the surety, shall not be disposed of by them till the conclusion of trial.

(vi) The applicants shall also give an undertaking to the effect that he will not change his address without prior intimation to the trial court concerned.

(Renu Agarwal,J.)

Order Date :- 30.11.2023
Sharad/-