

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 50273 of 2023

Applicant :- Sangram Singh And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Rajesh Kumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
3. Heard Sri Mohd. Wasim, Advocate holding brief of Sri Rajesh Kumar Verma, learned counsel for the applicants, Sri Ashutosh Srivastava, learned A.G.A. for the State and perused the material placed on record.
4. Applicants seek bail in Case Crime No.270 of 2023, under Section 370 IPC, Police Station- C.B. Ganj, District- Bareilly, during the pendency of trial.
5. As per prosecution story, the co-accused persons are stated to have forcibly taken the informant on 18.9.2023 at about 06:30 p.m. to the house of the applicants and are stated to have asked her to marry the dumb applicant no.2.
6. Learned counsel for the applicants has argued that the applicants are absolutely innocent and have been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize them. They have nothing to do with the said offence. There is no evidence to corroborate the said prosecution story. Several other submissions have been made on behalf of the applicants to demonstrate the falsity of the allegations made against them. The circumstances which, as per counsel, led to the false implication of the applicants have also been touched upon at length. It is further stated that there is no criminal history of the applicants. The applicants are languishing in jail since 26.9.2023. In case, the applicants are released on bail, they 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 applicants have made out a case for bail. The bail application is allowed.

9. Let the applicants- **Sangram Singh** and **Sanju @ Gunga**, who are involved in aforementioned case crime be released on bail on their 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 applicants shall not tamper with evidence.

(ii) The applicants 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 applicants 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 them 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 applicants shall not in any way affect the learned trial Judge in forming their independent opinion based on the testimony of the witnesses.

Order Date :- 1.12.2023

Vikas

[Krishan Pahal, J.]