

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51777 of 2023

Applicant :- Santosh Chaudhary

Opposite Party :- State of U.P.

Counsel for Applicant :- Randhir Jain, Ashish Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Ashish Pandey, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 113 of 2022, under Sections 302, 201 IPC, Police Station Puranderpur, District Maharajganj during pendency of the trial.
3. FIR of the present case was lodged against co-accused Krishna Murari and his associates and according to the FIR on 27.05.2022 father of the informant had gone to the district court but did not return to his home and on 28.05.2023 his dead body was found in the forest. It is further mentioned in the FIR that informant was having suspicion that his brother-in-law (Bahnoi) has committed the murder of the deceased along with his associates.
4. Learned counsel for the applicant submitted that applicant is grand son of the deceased and he was not named in the FIR but during investigation when one Kalimullah was made accused and was arrested then he disclosed the name of applicant.
5. He further submits that except the confessional statement of applicant and statement of Kalimullah there is no other evidence against the applicant on record.
6. He further submits that during investigation applicant along with his father made accused on the ground that son and father wanted to grab he property. He further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 28.07.2023.
7. Per contra, learned AGA opposed the prayer for bail but could

not dispute the fact that applicant is grand son of the deceased and except motive and confessional statement of applicant and co-accused there is no other evidence against the applicant on record.

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

9. Considering the fact that it is a case of circumstantial evidence and applicant is grand son of the deceased and except motive and confessional statement of the applicant and co-accused Kalimullah there is no other evidence against the applicant on record, in my view, applicant is entitled to be released on bail.

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

11. Let the applicant - **Santosh Chaudhary** 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.

12. 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.

13. 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

AK Pandey