

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 53028 of 2023

Applicant :- Alok Kumar Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Swati Agrawal Srivastava, Yakub Ali Ansari

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Amit Kumar Advocate holding brief of Ms. Swati Agrawal Srivastava, learned counsel for the applicant and Sri Ajeet Madheshiya, learned Brief Holder for the State-respondent.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 132 of 2022, under Sections 302, 406, 506 IPC, Police Station Soraon, District Prayagraj during pendency of the trial.

3. FIR of the present case was lodged against applicant and three others on 22.03.2022 through an application under Section 156(3) Cr.P.C. dated 20.12.2021 and according to the FIR by playing fraud applicant and other accused persons got executed an agreement to sell from the husband of the informant and on 16.11.2021 when informant had gone along with her husband to the office of the Registrar then from the office of the Registrar applicant along with other accused persons have taken him under the pretext to give money and thereafter his dead body was found.

4. Learned counsel for the applicant submitted that on the basis of false allegation, applicant has been made accused in the present matter and it is a case of circumstantial evidence but in spite of that no motive has been assigned to the applicant.

5. He further submitted that except last seen evidence, there is no other evidence against the applicant on record and even the evidence of last seen appears to be shaky.

6. He further submitted that bail application of co-accused Mool Chandra has been allowed by this Court vide order dated 4.12.2023 passed in Crl. Misc. Bail Application No. 51785 of 2023 and case of applicant is even on better footing than him as he was one of the marginal witnesses of the deed which alleged to have been executed by the deceased i.e. husband of the informant

in favour of co-accused Madan Singh.

7. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 4.10.2023.

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

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

10. Considering the fact that it is a case of circumstantial evidence and only last seen evidence is on record against the applicant and others and applicant was not having any motive to commit crime and co-accused Mool Chandra has already been released on bail, in my view, applicant is entitled to be released on bail.

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

12. Let the applicant-**Alok Kumar Singh**, 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.

13. 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.

14. 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 :- 11.12.2023/Ankita