

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 737 of 2023

Applicant :- Rahul Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Secrett. Lko.

Counsel for Applicant :- S.K. Tripathi, Rajesh Tiwari, Vijay Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Heard learned Counsel for the applicant as well as learned A.G.A. and perused the record.

The accused- applicant is involved in Case Crime No. 419 of 2014, under Sections 379, 411, 419, 420, 467, 468, 471 I.P.C. Police Station Kotwali Nagar, District- Gonda.

This is a bail application in the case of jumping of bail. The applicant was released on bail by this court vide order datd 9.10.2015. After that from 8.9.2017, he absented himself from the trial court. It is submitted that on 3.11.2022, he appeared before the trial court and moved an application for recall of the process issued against the applicant which was rejected by the trial court and later on his bail application was also rejected. His absence from the court was not intentional. The applicant had gone outside the district to earn his livelihood and later on due to covid-19, he could not appear in the trial court. He was advised by his counsel that after covid the notice would be sent to him and it was only on 3.11.2022 that he appeared before the trial court and his bail application was rejected and since then the applicant is in jail. The offence is triable by the court of Magistrate

Learned A.G.A. opposed the prayer for bail of the applicant and argued that the applicant remained absconded for about more than five years and he appeared in the trial court only after the proceedings u/s 446 Cr.P.C. were started against his sureties.

From the perusal of the record, it is found that the applicant was initially involved in case crime no. 419 of 2014 under section 379 I.P.C. charge sheet was submitted against him under sections 379, 411, 419, 420, 467, 468, 471 I.P.C. The applicant

was granted bail by this court vide order dated 9.10.2015. The applicant is said to have absconded from the trial court from 8.9.2017 and has appeared before the trial court and got his bail application rejected vide order dated 3.11.2022. The process under section 446 Cr.P.C. is pending against the sureties of the applicant. The applicant remained absent from the trial court for more than five years but it is also true that since last more than one year, the applicant is languishing in jail, while originally he was bailed out by this court .

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a fit case of bail.

The bail application is allowed.

Let the applicant, who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two local heavy sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. He will not tamper with the witnesses.
3. He will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to the prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 6.12.2023

Gss