

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6649 of 2023

Applicant :- Dinesh Singh

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

Counsel for Applicant :- Arjun Singh Somvanshi

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan,J.

1. Supplementary affidavit, filed on behalf of the applicant, is taken on record.
2. Heard Mr. Arjun Singh Somvanshi, learned counsel for the accused-applicant, as well as learned A.G.A. for the State and perused the record.
3. This bail application has been moved by the accused/applicant- **Dinesh Singh** for grant of bail in Complaint Case No.3877 of 2015, under Sections 452, 376, 504 and 323 IPC lodged at Police Station Hariyawan, District Hardoi, during trial.
4. Learned counsel for the accused-applicant, while pressing the bail application, submits that the applicant has been falsely implicated in this case and, he has not committed any offence, as claimed by the prosecution.
5. It is further submitted that the prosecutrix is aged about 38 years and, after lodging of the FIR under the orders of the Court under Section 156 (3) CrPC, after thorough investigation, final/closure report was filed and, on protest being made by her, the same was treated as a complaint case and after adopting the procedure as prescribed under Sections 200 and 202 CrPC, the applicant and another accused persons have been summoned to face trial. It is further submitted that identically placed co-accused, Laturi Singh has been granted bail by the coordinate bench of this Court vide order dated 13.09.2023 passed in Criminal Misc. Bail Application No.6397 of 2023. It is also submitted that the FIR of the instant case has been lodged on account of previous enmity and the same has also been acknowledged by the investigating officer while submitting the final/closure report, however, the same has not been given any weightage by the trial Court while passing summoning order under Section 204 CrPC. It is further submitted that criminal

history of two cases has been shown against the applicant, however, in both the cases he has been acquitted and the judgments and orders passed by the trial Courts in both the cases have been placed on record as Annexure SA-1 and SC-2 to the supplementary affidavit filed today. It is also submitted that the applicant is languishing in jail in this case since 24.03.2023 and there is no apprehension that after being released on bail he may flee from the course of law or may otherwise misuse the liberty.

6. Learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the applicant has committed a heinous offence and, therefore, he is not entitled to be released on bail.

7. Having heard learned counsel for the parties and having perused the record, it is reflected that identically placed co-accused, namely, Laturi Singh has been granted bail by the coordinate bench of this Court. While granting bail to co-accused, Laturi Singh, the closure/final report submitted by the investigating officer in pursuance of the investigation made wherein it was found that the FIR has been lodged on the basis of previous enmity has been taken into consideration. The coordinate bench has also taken into consideration the summoning order dated 31.05.2014 in order to show that the prosecutrix/victim is in habit of lodging false complaints against the fellow villagers. Thus, the order of the coordinate bench is a reasoned order and nothing has been brought on record or before this Court during hearing which may suggest that the order whereby the identically placed co-accused, Laturi Singh has been enlarged on bail has been challenged at any higher forum or has been cancelled by the same Court. Thus, amongst other on the ground of parity also, the facility of bail may be extended to the applicant, more so, when the criminal history of two cases of the applicant has been adequately explained and the applicant is languishing in jail in this case since 24.03.2023. The presence of the applicant may be secured before the trial court by placing adequate conditions.

8. Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is thus **allowed**.

9. Let the accused/applicant- **Dinesh Singh**, involved in above-mentioned case, be released on bail on his furnishing a personal bond with two sureties in the like amount to the satisfaction of

the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(ii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. Identity, status and residence proof of the applicant and sureties be verified by the Court concerned before the bonds are accepted.

12. Observations made herein-above by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression on the merits of the case.

.

.

[Mohd. Faiz Alam Khan, J.]

Order Date :- 3.11.2023

MVS/-