

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7462 of 2022

Applicant :- Heera Singh S/O Sri Ajeet Singh

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

Counsel for Applicant :- Arun Sinha, Akshay Srivastava, Desh Deepak Singh, Rakshit Raj Singh, Riyaz Ahmad, Sandeep Kumar Pal

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sandeep Kumar Pal, the learned counsel for the applicant, Sri Rakesh Kumara Singh, the learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 592 of 2021, under Sections 302, 364, 201 I.P.C., registered at Police Station Mohanlalganj, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 18.12.2021 stating that some persons sitting in a car had taken the informant's brother with him and subsequently his dead body was found. The informant stated that the persons sitting in the car abducted his brother and had killed him. The post mortem examination report of the deceased mentions the cause of death to be anti mortem strangulation. The applicant was implicated on the basis of statement of a witness, who stated that the applicant was driving the car in which the deceased was seen sitting. Another person was sitting on the rear seat. The deceased had also sat in the front passenger seat of the car and the car had moved towards Lucknow.
4. The aforesaid eye witnesses has been examined by the trial court and in his cross examination, he denied having seen the applicant driving the car or having taken away the deceased in the car. He stated that he had implicated the applicant merely on the suggestion of some persons.
5. The other person said to be seen sitting in the car, namely, Ankur Pal has been granted bail by means of an order dated 28.07.2023 passed by this Court in Criminal Misc. Bail Application No. 7260 of 2022.

6. The applicant's involvement in three other cases has been disclosed in para 50 to 52 of the affidavit filed in support of the application, in one of which he has already been granted bail.

7. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant was implicated as a person had stated that he had seen the applicant driving the car in which the deceased was taken whereas the same person has stated before the trial court that he had not seen the applicant driving the car and taking the deceased with him; that the other person implicated in the case has already been granted bail whereas the applicant is languishing in jail since 21.12.2021 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

9. Accordingly, this bail application stands ***allowed***.

10. Let the applicant-***Heera Singh*** be released on bail in Case Crime No. 592 of 2021, under Sections 302, 364, 201 I.P.C., registered at Police Station Mohanlalganj, District Lucknow on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

Order Date :- 28.10.2023

Pradeep/-