

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7774 of 2023

Applicant :- Ranu Saini Alias Aman

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

Counsel for Applicant :- Archana Misra, Ram Bux Rawat

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh, J.

1. Heard learned counsel for the accused-applicant as well as Mr. Bhanu Pratap Singh, learned Additional Government Advocate, ***on this 2nd application for bail***, and gone through the entire record.

2. By means of this application under Section 439 CrPC, the accused-applicant seeks bail in FIR No.0667 of 2021, under Sections 302 and 201 IPC lodged at Police Station Sandi, District Hardoi.

3. The earlier bail application of the accused-applicant was rejected by this Court vide order dated 22.11.2022 passed in Criminal Misc. Bail Application No.13422 of 2022 considering the heinousness and gravity of the offence, however, after rejection of the first bail application of the accused-applicant, two witnesses, namely, father of the victim and alleged eye-witness have been examined in the Court, and none of them has supported the prosecution case against the accused-applicant. The two other co-accused, namely, Jitu alias Ram Sagar and Dheeraj alias Dheeru have been enlarged on bail vide orders dated 10.04.2023 and 18.05.2023 passed in Criminal Misc. Bail Application Nos. 6568 of 2022 and 5256 of 2023 respectively.

4. Mr. Bhanu Pratap Singh, learned Additional

Government Advocate, does not dispute that the role assigned to the present accused-applicant is similar to that of said co-accused, who have been granted bail by this Court vide orders, mentioned above.

5. Considering the aforesaid facts, and the submission advanced by the learned counsel for the accused-applicant and the learned Additional Government Advocate, this Court deems it appropriate to enlarge the accused-applicant on bail.

6. Let applicant-**Ranu Saini alias Aman**, accused of above-mentioned FIR/crime number, be released on bail on **his** furnishing a personal bond and two local and reliable sureties each in the like amount to the satisfaction of the Court concerned with the following conditions, which are imposed in the interest of justice:-

*(i) the applicant(s) shall file an undertaking to the effect that **he** shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law;*

*(ii). the applicant(s) shall remain present before the trial court on each date fixed, either personally or through **his** counsel. In case of **his** absence, without sufficient cause, the trial court may proceed against **him** under Section 229-A of the Indian Penal Code;*

*(iii). in case, the applicant(s) misuse(s) the liberty of bail and in order to secure **his** presence proclamation under Section 82 Cr.P.C. is issued and the applicant(s) fail(s) to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against **him** in accordance with law, under Section 174-A of the Indian Penal Code; and*

*(iv) the applicant(s) shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of **his** bail and proceed against **him** in accordance with law.*

[D.K. SINGH, J]

Order Date :- 19.6.2023

MVS/-