

Court No. - 11

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7797 of 2023

Applicant :- Raj Gupta @ Rajaram

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

Counsel for Applicant :- Satish Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel for the accused-applicant as well as Mr. Ranvijay Singh, learned Additional Government Advocate ***on this 3rd application for bail***, and gone through the entire record.

2. It is stated that the first bail application of the accused-applicant was rejected by Hon'ble Mr. Justice Govind Mathur, J. (Chief Justice, since retired) vide order dated 12.04.2019 passed in Bail Application No.8421 of 2019. After demitting the office by His Lordship, the second application for bail of the accused-applicant was rejected by this Court vide order dated 01.11.2022 passed in Criminal Misc. Bail Application No. 8356 of 2019 and, therefore, this application has come up before this Court.

3. By means of this application under Section 439 CrPC, the accused-applicant seeks bail in FIR No.0435 of 2018, under Sections 147, 326-A, 302, 201, 404, 120-B and 364 IPC lodged at Police Station Kotwali Sadar, District Kheri.

4. Learned counsel for the accused-applicant submits that the role of the accused-applicant is similar to that of co-accused, Anuj Mishra, whose 3rd bail application i.e. Criminal Misc. Bail Application No.4732 of 2023 has been allowed by this Court vide order dated 26.05.2023. The learned counsel claims parity. The learned counsel further submits that the accused-applicant has been languishing in jail since 15.05.2018.

5. Mr. Ranvijay Singh, learned Additional Government Advocate, has opposed the bail, however, he does not dispute that the role of the accused-applicant is common to the said co-accused, who has already been enlarged on bail.

6. Considering the ground of parity and without commenting upon merit of the case, I find it to be a fit case for grant of bail.

7. Let applicant- **Raj Gupta alias Rajaram**, 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 :- 20.6.2023

MVS/-