

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8056 of 2023

Applicant :- Maharajdeen

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

Counsel for Applicant :- Pankaj Verma, Yash Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Pankaj Verma, the learned counsel for the applicant, Sri Gyanendra Singh, the learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 23 of 1998, under Sections 307, 399, 402 I.P.C., registered at Police Station Katra Bazaar, District Gonda.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 11.02.1998 alleging firing made by the accused persons when a police party had apprehended them. The applicant was granted bail by means of an order dated 03.04.1998, passed by learned Sessions Judge, Gonda. The applicant continued to attend the proceedings of the trial till the year 2004 but thereafter he went to Ludhiana to earn his livelihood on the assurance of his advocate that he will do the needful. The applicant was arrested thereafter on 25.09.2022.
4. The learned counsel for the applicant has stated that the applicant is languishing in jail since past one year and besides framing of charges on 22.11.2022 no further proceedings has taken place and not even a single witness has been examined. He further submitted that a co-accused Chinta Gosai, has already been granted bail by means of an order dated 27.09.2023 passed by this Court in Criminal Misc. Bail Application No.11553 of 2023
5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the offence in question took place on 21.02.1998,

the applicant continued to appear before the learned trial court till the year 2004 and even charges were not framed during this long period of 16 years; that the applicant is languishing in jail since 25.09.2022 and not a single witness has been examined by learned trial court whereas a co-accused has already been granted bail, I am of the view that the applicant is also entitled to be released on bail on the ground of parity.

7. Accordingly, this bail application stands allowed.

8. Let the applicant- **Maharajdeen** be released on bail in the aforesaid case, 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.

(Subhash Vidyarthi,J.)

Order Date :- 22.11.2023

Preeti.