

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8399 of 2023

Applicant :- Akhand Pratap Singh

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

Counsel for Applicant :- Brijesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard Sri Brijesh Kumar Singh, learned counsel for the applicant and learned A.G.A. for the State.

2. This bail application has been filed by the applicant seeking bail in Case Crime No. 830 of 2022 under section 409 I.P.C. P.S.- Kotwali Nagar, District- Ayodhya.

3. As per the version in the F.I.R., the accused Akhand Pratap Singh, was working on contract basis as driver and that he obtained payment for the diesel of more than the diesel used in covering the distance causing a loss of 3,26,405/- to the Corporation.

4. It is contended on behalf of the applicant that he was merely a driver and that no entries of the distance covered, the diesel filled in the bus was being done by him. Responsibility to fill up the entries fell on the conductor of the vehicle. The complainant in his statement has said that it was the diesel babu who had the responsibility to fill up the entries for obtaining the diesel for requisite distance covered by the vehicle. The matter pertains to a loss of about 3 lacs to the corporation. Applicant is in jail since last 7 months.

5. The prayer for bail is vehemently opposed by the learned A.G.A., however, it is conceded that it cannot be said with certainty that how long will it take the trial to conclude.

6. I went through the contents of the F.I.R., statement of the first informant as well as the other witnesses under section 161 Cr.P.C., the evidence proposed, taking into account all the facts and circumstances of the case, nature of allegations, role ascribed to the applicant, the severity of punishment, period of custody and all other attending facts and circumstances of the case, and all the attending facts and circumstances of the case, I find it a fit case for bail.

7. Let applicant - **Akhand Pratap Singh** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) framing of charge and (ii) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present as well as permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

8. Any violation of above conditions will be treated as misuse of bail and learned Court below will be at liberty to pass appropriate order.

9. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 20.11.2023

Sumit Kumar