

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8600 of 2023

Applicant :- Jagmohan

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

Counsel for Applicant :- Shailendra Pratap Singh, Anadi Kumar Singh, Brihaspati Mani Pathak

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Anadi Kumar Singh, the learned counsel for the applicant as well as Sri Jayant Singh Tomar, the learned A.G.A-I for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 88 of 2023, under Section 222, 186, 506, 201, 120-B, 34, 451, 511 I.P.C. and Section 7 of Prevention of Corruption Act, 42(b), 54 of Prisoners Act and 7 of Criminal Law (Amendment) Act, registered at Police Station Karvi Kotwali Nagar, District Chitrakoot.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 11.02.2023 against six named persons, including the applicant, and some unnamed employees of District Jail, Chitrakoot, alleging that one of the named co-accused persons Nikhat Bano used to frequently visit the district jail to meet her husband-Abbas Ansari (co-accused), without any permission and without any check in.
4. The allegation against the applicant is that he was a constable posted in the district jail and he was facilitating and when a team of officers led by the District Magistrate had raided the jail, the applicant had taken away co-accused Abbas Ansari from a room, in which he was meeting Nikhat Bano, to his barrack.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has falsely been implicated in the present case and he has no previous criminal history.

6. The learned counsel for the applicant has submitted that six of the co-accused persons have already been granted bail in the present case, including the co-accused Ashok Kumar Sagar, who was posted as Superintendent of Jail and Santosh Kumar, who was posted as the Jailer. Co-accused Nikhant Bano has been granted bail by means of an order dated 11.08.2023 passed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 8667 of 2023.

7. The learned A.G.A. has opposed the prayer of the 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 Jail Superintendent, the Jailer and the Deputy Jailer have already been granted bail in the present case; that the co-accused Nikhat Bano, who used to visit the jail violating the provision of law has been granted bail by the Hon'ble Supreme Court and that the applicant being employed as a constable, there appears to be no reasonable apprehension of his escaping from the process of law and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

10. Let the applicant- **Jagmohan** 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 the 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 :- 16.10.2023

Preeti.