

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9286 of 2023

Applicant :- Jitendra Rawat

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

Counsel for Applicant :- Ajay Rajput, Abhishek Singh, Shailesh Kumar Srivastava, Shanker Lal Verma, Vijay Rajput

Counsel for Opposite Party :- G.A., Abhishek Mishra, Sharad Pathak

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Shailesh Kumar Srivastava, the learned counsel for the applicant, Sri Anant Pratap Singh, the learned A.G.A. 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. 209 of 2021, under Section 364 A/34 I.P.C., registered at Police Station Sushant Golf City, District Lucknow.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 07.06.2021, alleging that the informant's wife had gone for a walk at about 7:10 pm on 06.06.2021 but when she did not return till 9:20 p.m, the informant searched her, but to not avail. The informant received a phone call at about 1:29 am from the mobile phone of his wife, and he was asked to reach Raebareli. The applicant reached Raebareli along with his brother-in-law and his friend, but thereafter no call came and while he was returning, another phone call came informing that his wife was safe. In the evening, Rs. 1 Crore were demanded as ransom by making another phone call.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no previous criminal history. A supplementary affidavit has been filed stating that after his implication in the present case, the applicant has been implicated in another case under U.P. Gangsters and Anti Social Activities (Prevention) Act.
5. In the statement of the victim recorded under Section 161 Cr.P.C, she stated

that five persons had got fown from a car and had forcibly made her sit in it. She further stated that the applicant was involved in her kidnapping.

6. A supplementary affidavit has been filed on behalf of the applicant annexing therewith statements of three witnesses recorded by the trial court including the informant, victim, and the Investigating Officer.

7. The learned A.G.A. and the learned counsel for the informant, have opposed the bail application and they have submitted that the co-accused persons have implicated the applicant in their statements given before the Investigating Officer. They have further submitted that bail application of four co-accused persons have been rejected. A copy of the order dated 03.03.2023 passed by this court rejecting four bail application of the co-accused persons has been annexed as S.A. 2 of the supplementary affidavit.

8. While rejecting the bail application of the co-accused persons, this court had recorded that the trial was at a crucial stage and the statement of the victim was going on and this court had directed the trial court to conclude the trial on a day to day basis. The principle of parity does not apply to rejection of bail applications. Moreover, statements of the victim and the informant have been concluded and the trial has not been concluded till date although on 03.03.2023, this court had directed the trial court to proceed with the trial on a day to day basis.

9. The learned counsel for the applicant has submitted that co-accused Dev Pratap @ Bablu, has already been granted bail by means of an order dated 28.08.2023 passed by this Court in Criminal Misc. Bail Application No.10713 of 2023.

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the informant, the victim and the Investigating Officer have already been examined and in case of his release, the applicant will not be in a position to influence those witnesses and tamper with the evidence, coupled with the fact that the applicant has no criminal history and he is

languishing in jail since 09.06.2021 whereas the co-accused Dev Pratap @ Bablu has been granted bail 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.

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

12. Let the applicant- **Jitendra Rawat** 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 :- 20.11.2023
Preeti.