

Court No. - 12

Case :- CRIMINAL REVISION No. - 862 of 2023

Revisionist :- Naveen @ Suraj Verma Thru. His Mother Smt. Pramila Verma

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

Counsel for Revisionist :- Ram Chandra Singh, Arun Sinha

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the revisionist, learned A.G.A. for the State and perused the record.
2. As per office report dated 07.08.2023, notice has been personally served upon the opposite party no.2, despite above, no one has appeared on her behalf, therefore the matter is being decided.
3. This Criminal Revision has been filed for quashing the impugned order dated 06.07.2023 passed in Criminal Appeal No.34/2023 by Court No.44 Barabanki as well as judgement and order dated 01.06.2023 passed by Juvenile Justice Board, Barabanki in Criminal Misc. Bail Application No.32 of 2023 arising out of Case Crime No.367 of 2022 U/s 34, 307, 323, 452, 302, 506 I.P.C., Police Station- Ram Nagar, District- Barabanki.
4. Learned counsel for the revisionist has contended that the revisionist has been falsely implicated in the present case and he is jail since 11.11.2022. He further submitted that the charge sheet has been filed by the Investigating Officer after recording the statement of witnesses but not even the single witness has assigned a specific role of causing injury to the revisionist. He further submitted that cross case was lodged from the side of revisionist as two persons also received injury from his side. He further submitted that the co-accused Sunil @ Guddu, Anil @ Pappu and Ashok @ Bablu have already been granted bail by the Co-ordinate Bench of this Court vide order dated 21.09.2023, 09.10.2023 and 09.10.2023 in Criminal Misc. Bail Application No.675/2023, 11831/2023 and 11819/2023

respectively and there is no specific observation in the D.P.O. Report against the revisionist but all these facts were not considered by the Juvenile Justice Board as well as Appellate Authority. He further submitted that there is no possibility of conclusion of trial in the near future, therefore, revision is liable to be allowed and impugned order is liable to be set aside.

5. Learned A.G.A. has opposed the above contentions but conceded that co-accused has already been enlarged on bail.

6. In view of the above, the present revision is **allowed** and impugned order dated 06.07.2023 passed in Criminal Appeal No.34/2023 by Court No.44 Barabanki as well as judgement and order dated 01.06.2023 passed by Juvenile Justice Board, Barabanki in Criminal Misc. Bail Application No.32 of 2023 arising out of Case Crime No.367 of 2022 U/s 34, 307, 323, 452, 302, 506 I.P.C., Police Station- Ram Nagar, District- Barabanki are hereby **set aside**.

7. Let revisionist, namely, **Naveen @ Suraj Verma Thru. His Mother Smt. Pramila Verma**, be released on bail in Case Crime No.367 of 2022 U/s 34, 307, 323, 452, 302, 506 I.P.C., Police Station- Ram Nagar, District- Barabanki on furnishing of a personal bond alongwith an undertaking on behalf of revisionist by his legal guardian/grand father to the effect that he will not permit the revisionist to come in association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice and provide no occasion to the revisionist whereby his release on bail would defeat the ends of justice, by his legal guardian/grand father and two sureties each in the like amount to the satisfaction of the Court concerned subject to following conditions:-

(1) Revisionist will not try to influence the witnesses or tamper with the evidence of the case or otherwise misuse the liberty of bail.

(2) Revisionist will fully cooperate in expeditious disposal of the case and shall not seek any adjournment on the dates fixed for evidence when witnesses are present in the Court.

(3) Revisionist shall remain present, in person, before the Board on the dates fixed for (a) opening of the case; (b) framing of

charge; and (c) recording of statement under Section 313 Cr.P.C. If in the opinion of the Board that absence of the revisionist is deliberate or without sufficient cause, then it shall be open for the Board to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Any violation of above conditions will be treated misuse of bail and Board will be at liberty to pass appropriate orders in the matter regarding cancellation of bail.

Order Date :- 11.10.2023

V. Sinha