

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10988 of 2023

Applicant :- Yogender Alias Jogi

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

Counsel for Applicant :- Siddhesh Dubey, Kripa Shanker Misra, Rajendra Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard the learned counsel for the applicant, the learned A.G.A. for the State and perused the records.

2. The instant second application has been filed seeking release of the applicant on bail in Case Crime No.0170 of 2021, under Section 304 I.P.C., registered at Police Station Sushant Golf City, District Lucknow. The first bail application was rejected by means of an order dated 24.04.23, after taking into consideration the fact that in the affidavit filed in support of the bail application the applicant's involvement in three other cases has been disclosed whereas in the counter affidavit it was stated that he is involved in six other cases. In the rejoinder affidavit filed on behalf of the applicant it has been stated that *'the criminal history has been very well explained by the applicant which has been falsely levelled against the applicant and the applicant has been enlarged on bail on all these cases and the copies of the bail orders are already annexed to the affidavit filed in support of bail application of the applicant'*. Due to the aforesaid reason the applicant's bail application was rejected although a co-accused person Rohit Pasi, against whom similar allegations were levelled by the deceased's son while recording the statement, has been granted bail by this court by means of

an order dated 18.05.2022, passed in Criminal Misc. Bail Application No.8878 of 2021.

3. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. A rejoinder affidavit has been filed on behalf of the applicant explaining the applicant's involvement in a total of six other cases, in all of which he has been granted bail.

4. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

5. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the son of the deceased had levelled similar allegations against the applicant and one Rohit Pasi and Rohit Pasi has already been granted bail by this court, whereas the applicant is languishing in jail since 16.05.2021 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid crime.

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

7. Let the **applicant-Yogender Alias Jogi** 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.

Order Date :- 1.11.2023
Ram.