

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12068 of 2022

Applicant :- Krishna Dev

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

Counsel for Applicant :- Jaikaran

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Jai Karan, learned counsel for the applicant, Smt. Parul Kant, learned A.G.A. for the State and perused the records.

2. This is the second application seeking release of the applicant on bail in Case Crime No. 522 of 2021, under Sections 419, 420, 406, 504, 506 I.P.C., registered at Police Station Gurubuxganj, District Raebareli. The first application bearing Criminal Misc. Bail Application No.5373 of 2022 was allowed by means of an order dated 27.05.2022 but a condition was put in that order that the applicant would return an amount of Rs.7,13,000/- to the informant within a period of two months from the date of his release. The applicant was released on 26.07.2022 but as he could not arrange the money to return to the informant he again surrendered to the custody on 26.09.2022 and since then he is languishing in jail.

3. The learned counsel for the applicant has submitted that even the charges have not been framed till date.

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 applicant was

granted bail by this court but with a rider mandating him to pay the disputed amount to the informant; that as per the law laid down by the Hon'ble Supreme Court no such condition can be imposed while granting a bail; that having failed to arrange the money the applicant again surrendered to custody immediately after expiry of the period of two months and since then he is languishing in jail without any progress in trial 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-Krishna Dev** 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.

(Subhash Vidyarthi, J.)

Order Date :- 3.11.2023

Ram.