

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11886 of 2023

Applicant :- Ravish Singh

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

Counsel for Applicant :- Neeta Singh Chandel

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh,J.

1. Heard learned counsel for the applicant, Sri Ran Vijai Singh, learned A.G.A. for the State and perused record.

2. Rejoinder affidavit filed today, is taken on record.

3. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.0183 of 2023 under Section 147, 302, 120-B, 34 IPC and Section 7 of Criminal Law Amendment Act and Section 3/5/25/27 of Arms Act, PS Amethi district Amethi.

4. Learned counsel for the applicant has submitted that in the FIR, the applicant is not named. It has been submitted that firearm is recovered from the possession of co-accused Virendra Kumar Yadav and role of assault has been assigned to Virendra Kumar Yadav. He has submitted that the applicant was not named in the FIR rather, four persons are named in the FIR namely, Virendra Yadav Raju, Deepak Yadav, Raj Pasi, Piyush Pandey and other unknown persons. He has submitted that there was enmity between the deceased and co-accused Virendra Kumar Yadav and it is mentioned that an FIR was lodged by Virendra Yadav against the deceased and his brother and on the basis of confessional statement, the applicant has been made accused otherwise, role of firing is assigned to Virendra Kumar Yadav against whom, the motive is established. He has submitted that on the basis of confessional statement, the applicant's role is of catching hold of hand of the deceased. He has submitted that the case of the applicant is distinguishable to the case of co-accused Virendra Kumar Yadav against whom strong motive is assigned and recovery of firearm is made from his possession. It has been submitted that the applicant has no other criminal history and he is in Jail since 22.7.2023.

5. On the other hand, learned AGA has submitted that in the confessional statement, it has come on record that the applicant caught hold the hand of deceased and deceased was done to death by firearm used by co-accused Virendra Kumar Yadav, therefore, the applicant is involved in commission of crime and he is not entitled for bail.

6. Considering over all facts and circumstances of the case, the argument that the applicant is not named in the FIR, the argument that the role of firing is assigned

to co-accused Virendra Kumar Yadav, the argument that in confessional statement, the applicant is said to have role of catching hold in confessional statement which is not admissible, it is a fit case for bail.

7. Let the applicant Ravish Singh be released on bail in the above case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions :-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The Trial Court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 9.11.2023
Rajneesh JR-PS)