

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12115 of 2023

Applicant :- Munna @ Nuruddin

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

Counsel for Applicant :- Anil Mishra,Rajat Raj Narayan Bajpai

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh,J.

- 1, Heard learned counsel for the applicant, Shri Vishwas Saraswat, learned A.G.A. and perused the record.
2. The applicant is involved in FIR/Case Crime No. 249 of 2023, under Sections 120-B, 302, 307 and 504 IPC I.P.C., Police Station Pali, District Hardoi.
3. Learned counsel for the applicant has submitted that co-accused Badal alias Badruddin has been granted bail by this Court in Criminal Misc. Bail Application No. 12112 of 2023 on 07.12.2023. It is further submitted that the case of the present applicant is at par with co-accused Badal alias Badruddin. He is pressing the same ground as stated in the case of co-accused Badal alias Badruddin. The applicant has no previous criminal history. The applicant is in jail since 22.06.2023.
4. Learned A.G.A. has, however, opposed the prayer for bail but he has not disputed the above contention made by the learned counsel for the accused-applicant.
5. Considering the facts and circumstances of the case, perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties and

keeping in view the fact that the case of the present applicant is at par with co-accused Badal alias Badruddin, who has been granted bail and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail.

6. Let applicant Munna alias Nuruddin be released on bail in the aforesaid case crime number on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned subject to following conditions, which are being imposed in the interest of justice:-

(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. The applicant shall not tamper with the evidence.

(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.

Order Date :- 22.12.2023

Virendra