

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12235 of 2023

Applicant :- Chhatrapal Alias Pintu

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

Counsel for Applicant :- Manoj Kumar Singh

Counsel for Opposite Party :- G.A.,Mohd. Amir Khan,Monika Dwivedi,Md Amir Khan

Hon'ble Brij Raj Singh,J.

1. Heard learned counsel for the applicant, Sri G.D. Bhatt, learned A.G.A. for the State and perused record.

Sri Mohd. Amir Khan, learned counsel for the complainant is not present.

2. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.223 of 2023 under Section 147, 304, 323, 504, 506 IPC, PS Bakshi Ka Talab, district Lucknow.

3. Learned counsel for the applicant has submitted that co-accused Banwari Lal has been granted bail by this Court in Crl. Misc. Bail Application No.10461 of 2023 on 6.10.2023, a copy of the bail order is annexed as Annexure No.SA-10 to the supplementary affidavit. He has submitted that the case of the applicant is at par with the co-accused who has been granted bail. Learned counsel for the applicant has explained the criminal history of the applicant in para-20 of the supplementary affidavit i.e., Case Crime No.17 of 2021 under Section 323, 504, IPC, PS Bakshi Ka Talab, district Lucknow in which the applicant has been awarded fine of Rs.2100/- and on the ground of deposit of fine, the case has been disposed of. In case Crime No.11 of 2014 under Section 147, 148, 149, 352, 323, 504, 506 IPC, PS Bakshi Ka Talab, district Lucknow, the applicant is on bail and in Case Crime No.667 of 2018 under Section 147, 323, 504, 506, 325, 395 IPC and Section 3 (1) (r) and 3 (1) (s) SC/ST Act, PS Bakshi Ka Talab district Lucknow, chargesheet submitted against the applicant in the said case crime under Section 323, 504, 506, 325 IPC and Section 3 (1) (r) and 3 (1) (s) SC/ST Act in which the applicant is on bail. He has further submitted that the applicant is in jail since 1.7.2023.

4. On the other hand, learned A.G.A. opposed the prayer for

bail but could not dispute the fact that the case of the applicant is at par with the co-accused who has been granted bail by this Court.

5. Considering the over all facts and circumstances of the case, the argument that the case of applicant is at par with the co-accused who has been granted bail, it is a fit case for bail.

6. Let the applicant, namely, Chhatrapal alias Pintu 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.

7. 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 :- 30.10.2023
Rajneesh JR-PS)