

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12485 of 2023

Applicant :- Sandeep Pandey @ Jhurri

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

Counsel for Applicant :- Raghvendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Raghvendra Singh, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, the learned A.G.A. for the State and perused the record.
2. This is the second bail application seeking release of the applicant on bail in Case Crime No. 148 of 2020, under Section 307, 354, 429, 324 I.P.C. and Section 11 of Animal Cruelty Act, registered at Police Station Machhrehta, District Sitapur. The first bail application was rejected by means of an order dated 24.03.2023.
3. The second bail application has been filed on the ground that the trial court has already recorded statement of the informant and he has been declared to be hostile. Nothing adverse to the applicant has come to light even in his cross-examination by the public prosecutor.
4. The victim has also been examined by the trial court.
5. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.
6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the informant has turned hostile and the victim has also been examined by the trial court; that the applicant is languishing in jail since 18.07.2020 and in case of his release, he will not be in a

position to influence the victim whose statement has already been recorded by the trial court and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

8. Let the applicant- **Sandeep Pandey @ Jhurri** 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 the 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 :- 19.10.2023

Preeti.