Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438 CR.P.C. No. - 2434 of 2023

Applicant :- Santosh Kumar Alias Santoo
Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home, Govt. U.P. Lucknow
Counsel for Applicant :- Shyam Singh
Counsel for Opposite Party :- G.A.,Pankaj Verma

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Shyam Singh, the learned counsel for the applicant, Sri Anant Pratap Singh, the learned A.G.A. for the State and Sri Pankaj Verma, Advocate appearing on behalf of the informant.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.19 of 2023, under Sections 147, 149, 323, 504, 304, 120-B I.P.C., registered at Police Station Paraspur, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.01.2023 against seven persons, including the applicant, alleging that because of a dispute regarding repairing of passage the accused persons had beaten up the informant's brother Ramanand on 05.06.2021. Ramanand had died on 06.06.2021. Ramanand's wife Ratrani (co-accused person in the present case) had filed an application under Section 156 (3) Cr.P.C. which was dismissed as not pressed on 24.11.2021. The F.I.R. states that after few days the informant came to know that co-accused Ramrati herself had got her husband eliminated by other co-accused persons under a conspiracy.

4. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case. The co-accused Mangre has already been granted anticipatory bail by this court by means of an order dated 14.09.2023, passed in Criminal Misc. Anticipatory Bail Application No.2011 of 2023.

5. The learned A.G.A. has opposed the prayer for 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 incident took place on 05.06.2021; that the application under Section 156 (3) Cr.P.C. filed by the deceased's wife was dismissed as not pressed on 24.11.2021 and that the instant F.I.R. has been lodged on 12.01.2023 on the basis of an information allegedly received subsequently from undisclosed source coupled with the fact that the applicant has no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

7. In view of the above, the anticipatory bail application of the applicant is ***allowed***. In the event of arrest/ appearance of **applicant-Santosh Kumar Alias Santoo** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness.

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(Subhash Vidyarthi, J.)

Order Date :- 1.11.2023
Ram.

Digitally signed by :-
RAM SINGH
High Court of Judicature at Allahabad,
Lucknow Bench