

**Court No. - 14**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 13238 of 2023

**Applicant :-** Mannu @ Jai Prakash Rawat

**Opposite Party :-** State Of U.P Thru. Prin. Secy. Home Civil Sectr. Lko.

**Counsel for Applicant :-** Neeraj Gupta

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mohd. Faiz Alam Khan,J.**

1. Heard learned counsel for the accused-applicant as well as Shri Hansraj Verma, learned A.G.A. for the State and perused the record.
2. This bail application has been moved by the accused/applicant- **Mannu @ Jai Prakash Rawat** for grant of bail, in Case Crime No.302 of 2023 under Section 304 I.P.C, Police Station Cantt, District Ayodhya, during trial.
3. Learned counsel for the accused-applicant while pressing the bail application submits that the applicant has been falsely implicated in this case and he has not committed any offence as claimed by the prosecution.
4. It is further submitted that the informant, who has lodged the F.I.R. of this case, is not an eye witness and only on the basis of suspicion and apprehension the name of the applicant has been dragged into this case. It is further submitted that it is a case, where there is no eye witness account at all and there are no circumstances collected by the investigating officer, which may even implicate the applicant remotely. Thus apart from there being an apprehension, there is no material or evidence against the applicant.
5. It is also submitted that identically placed co-accused person of the alleged crime, namely, Ashish Tiwari has been released on bail by the Coordinate Bench of this Court, vide order dated 14.12.2023 passed in Criminal Misc. Bail Application No.13959 of 2023 and the role of the applicant is at par with him. Applicant is in jail in this case since 28.08.2023 and he is not having any criminal history, charge-sheet in this case has already been submitted and there is no apprehension that after being released on bail the applicant may flee from the course of law or may otherwise misuse the liberty.

6. Shri Hansraj Verma, learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the applicant has committed an heinous offence and having regard to the material/evidence available against the applicant, he is not entitled to be released on bail, but could not controvert the other factual submissions made by learned counsel for the applicant with regard to the fact that the role of the instant applicant is at par with the role of co-accused Ashish Tiwari, who has already been granted bail.

7. Having heard learned counsel for the parties and having perused the record, it is evident that F.I.R. of this case has been lodged by one Lucky Pathak and it has been admitted by the State that he is not an eye witness. It is also not in dispute that it is a case, where no witness has claimed to have seen the occurrence and in this background, it is submitted by learned counsel for the applicant with considerable force that it is a case, where there is no eye witness account and there are no circumstances, which may be placed against the applicant. Identically placed co-accused person of the alleged crime, namely, Ashish Tiwari has been released on bail by the Coordinate Bench of this Court. Charge-sheet in this case has already been filed. Applicant is in jail in this case since 28.08.2023 without any previous criminal history. The presence of the applicant could be secured before the trial court by placing adequate conditions.

8. Having regard to the overall facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is thus **allowed**.

9. Let the accused/applicant- **Mannu @ Jai Prakash Rawat** involved in above-mentioned case, be released on bail on his furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(ii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or

commission of any crime after being released on bail.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. Identity, status and residence proof of the applicant and sureties be verified by the Court concerned before the bonds are accepted.

12. Observations made herein-above by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression of this Court on the merits of the case.

**Order Date :- 20.12.2023**

Anupam S/-