

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13717 of 2023

Applicant :- Vijay Pal Alias Brij Pal And Another

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

Counsel for Applicant :- Manoj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh,J.

1. Heard learned counsel for the applicants, Sri Ran Vijay Singh, learned A.G.A. for the State and perused record.

2. The present bail application has been filed for 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 in Crl. Misc. Bail Application No.10461 of 2023 on 6.10.2023 and co-accused Chhatrapal @ Pinni has been granted bail in Crl. Misc. Bail Application No.12235 of 2023 on 30.10.2023, copies of bail orders are annexed as Annexure No.22 and 23 to the bail application. He has submitted that similar role has been assigned to the applicants and their case is at par with the co-accused who have been granted bail by this Court. He has submitted that he is pressing the same grounds as have been pressed in the case of co-accused. He has explained criminal history of the applicant No.1 Vijay Pal @ Brij Pal in para-45 and applicant No.2 Suraj Pal in para-46 of the bail application satisfactorily. He has further submitted that the applicants are in Jail since 1.7.2023.

4. Learned A.G.A. has opposed the prayer for bail but could not dispute the fact that the co-accused have been granted bail and the case of the applicants is at par with the co-accused.

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

6. Let the applicants, Vijay Pal alias Brij Pal and Suraj Pal be released on bail in the above case crime number on their

furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions :-

(i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of his absence, without sufficient cause, the trial court may proceed against them under Section 229-A of the Indian Penal Code.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence proclamation under Section 82 Cr.P.C. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then the trial court shall initiate proceedings against them in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicants 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 applicants 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 them 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 :- 21.11.2023
Rajneesh JR-PS)