

Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13935 of 2023

Applicant :- Santosh Shukla

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

Counsel for Applicant :- Anil Kumar Awasthi

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard learned counsel for applicant and learned A.G.A. for the State.
2. The present bail application has been filed by the applicant seeking bail in case crime no. 323 of 2023, under sections 307, 411 I.P.C. and sections 3/25/27 Arms Act registered at Police Station-Sandila, District-Hardoi.
3. As per the prosecution case, the accused/applicant was apprehended by a team of police officials/officers. He was intercepted by the police on the basis of confidential information received by them. When the police tried to apprehend him, he resorted to firing to take the life of the police officials/officers.
4. It is contended on behalf of the applicant that he has been falsely implicated in this case. The story of the prosecution is improbable and full of infirmities. None from the side of the police sustained any kind of injuries much less any firearm injury, though the allegation is that the applicant fired at them to take their life. It is further said that he has been falsely implicated just because he has a previous criminal history. It is further said that he was a victim of police highhandedness and in all the cases cited as his criminal history, the applicant is on bail or has been acquitted and the same has been explained in the affidavit. The applicant is in custody since 27.07.2023 i.e., last about four months. It is assured to the court that the applicant will cooperate in the trial and will abide by the conditions, if any, imposed by this court, therefore he may be released on bail.
5. The application for bail is opposed by learned A.G.A., however queries raised by this court on certain questionable aspects of the matter were not met with satisfactory explanations.
6. I considered the nature of allegation, role ascribed to the applicant, evidence proposed to be produced, period of detention, explanatory defence offered on the basis of contentions of the applicant as above and all other facts and circumstances of the case. In my view, a case for bail is made out.
7. Let applicant - **Santosh Shukla** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either

personally or through his counsel.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (a) hearing/framing of charge and (b) recording of statement under Section 313 Cr.P.C. without exception.

(iv) It is further provided that before issuing the release order, present and permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

8. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order.

9. 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 :- 24.11.2023

Vikram