

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13889 of 2023

Applicant :- Shivam Pandey

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt., Civil Sectt. Lko.

Counsel for Applicant :- Vineet Kumar Mishra

Counsel for Opposite Party :- G.A., Manmohan Singh

Hon'ble Brij Raj Singh, J.

1. Heard Shri Vineet Kumar Mishra, learned counsel for the applicant, Shri Manmohan Singh, learned counsel for complainant as well as Shri Ravish Chandra Mishra, learned A.G.A. for the State and perused the record.

2. This bail application has been filed seeking release of accused/applicant **Shivam Pandey** on bail, in Case Crime No. 206 of 2023, under Sections 34, 323, 504, 506, 325, 304 I.P.C, Police Station- Kotwali Sahar, District Hardoi.

3. Learned counsel for applicant submitted that that co-accused having identical role namely Bablu Pandey @ Upendra Pandey and Meera Pandey have been granted bail in Criminal Misc. Bail Application No. 11759 of 2023 vide order dated 18.11.2023 and Criminal Misc. Bail Application No. 13764 of 2023 vide order dated 22.11.2023 respectively. The case of the applicant is at par with the case of the co-accused and is covered with the factum of parity, as such the applicant is also entitled to be enlarged on bail. Learned counsel further submitted that the applicant has no criminal history and is languishing in jail since 24.05.2023.

4. Learned A.G.A. has opposed the prayer for grant of bail, but could not dispute that case of the applicant is at par with the case of co-accused Bablu Pandey @ Upendra Pandey and Meera Pandey who have already been granted bail.

5. Considering the facts and circumstances of the case, perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties, looking into the fact that the co-accused Bablu Pandey @ Upendra Pandey and Meera Pandey have already been granted bail and that case of the applicant is at par with the case of co-accused, I find it to be a fit case for grant of bail.

6. Accordingly, the bail application is **allowed**.

7. Let the accused/applicant **Shivam Pandey** involved in

above-mentioned case, be released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions:-

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

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

(iv) The applicant 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 applicant 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 him in accordance with law.

8. 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 :- 22.12.2023

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