

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14375 of 2023

Applicant :- Dheeraj Rawat

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

Counsel for Applicant :- Bharat Kumar Dixit

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh,J.

1. Heard Shri Bharat Kumar Dixit, learned counsel for the applicant as well as Shri Omkaar Nath Pandey, learned A.G.A. for the State and perused the record.

2. This bail application has been filed seeking release of accused/applicant **Dheeraj Rawat** on bail, in Case Crime No. 54 of 2023, under Sections 302, 201 and 34 I.P.C, Police Station- Maharajganj, District Raebareli.

3. Learned counsel for applicant submitted that the name of the applicant has surfaced in the statement of co-accused Cheddu and Roshni. He further submitted that co-accused Roshni has been granted bail in Criminal Misc. Bail Application No. 10182 of 2023 vide detailed order dated 31.10.2023. 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 22.02.2023.

4. Learned A.G.A. has opposed the prayer for grant of bail, but could not dispute that the case of the applicant is at par with the case of co-accused Roshni, who has 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 Roshni has already been granted bail, I find it to be a fit case for grant of bail.

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

7. Let the accused/applicant **Dheeraj Rawat** 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
DiVYa